

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Kauai

Amend Prior Board Action Dated January 25, 1985 under Item F-11, Issuance Direct Lease to Hawaii Methodist Union and Hawaiian Association of Seventh-Day Adventists, Waimea, Kauai, Tax Map Key: (4) 1-4-02: 24, 55, 56, 57 & 58

BACKGROUND:

At its meeting of, January 25, 1985 the Board of land and Natural Resources, under Item F-11, approved the direct lease to Hawaii Methodist Union and Hawaiian Association of Seventh-Day Adventists, for campsite and related purposes.

General Lease S-5102 issued to Hawaii Methodist Union consists of Lots 14, 90, 91 of Puu Ka Pele Park Lots, Waimea, Kauai, TMK: (4) 1-4-02: 24

General lease S-5103 issued to Hawaiian Association of Seventh-Day Adventists consists of Lots 55, 56, 57, and 58, Puu Ka Pele Park Lots, Waimea, Kauai, TMK: (4) 1-4-02: 55, 56, 57, and 58.

The Board Submittal under Term of Lease: Twenty (20) years, to commence January 1, 1986 and expire on December 31, 2006.

The commencement and the expiration date made the years of the term of the lease twenty-one (21) years and instead of Twenty (20) years.

The term of twenty years should be revised to twenty-one years to coincide with the dates, commence January 1, 1986 and expire on December 31, 2006.

This will also coincide with the transfer of the Kokee leases to State Park Division on January 1, 2007

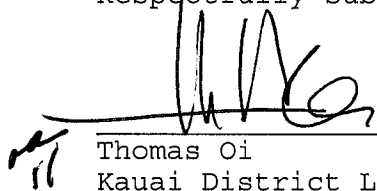
January 13, 2006

RECOMMENDATION:

That the Board, amend its prior board action of January 25, 1985,
under Item F-11 by;

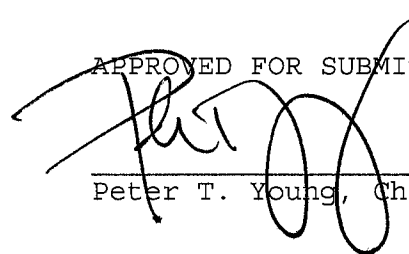
Revising the term of the leases to TWENTY-ONE YEARS.

Respectfully Submitted,



Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF LAND MANAGEMENT

P. O. BOX 621

HONOLULU, HAWAII 96809

January 25, 1985

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

RESUBMITTAL

KAUAI

LEASE - DIRECT AWARD

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANTS: HAWAII METHODIST UNION and HAWAIIAN
ASSOCIATION OF SEVENTH-DAY ADVENTISTS

FOR: Authority to issue direct leases to the
applicants for the following lots at Puu
Ka Pele, Waimea (Kona), Kauai:

Hawaii Methodist Union - Lots 14, 90 and 91
of the Puu Ka Pele Park Lots, Tax Map Key
1-4-02: 24.

Hawaiian Association of Seventh-Day Adventists -
Lots 55, 56, 57 and 58 of the Puu Ka Pele Park
Lots, Tax Map Key 1-4-02: 55, 56, 57 and 58.

TERM OF LEASE: Twenty (20) years, to commence January 1,
1986 and expire on December 31, 2006.

AREA: Lots 14, 90 and 91 3.05 acres +
Lots 55, 56, 57 and 58 4.08 acres +

Precise areas subject to determination by
DAGS Survey.

SPECIFIC USE: Campsite and related uses.

ANNUAL RENTAL: ~~\$120.00~~ ^{\$132.00} (nominal) per year for each lease.

ENCUMBRANCES: Executive Order No. 2209 (portion of Waimea
Canyon State Park, and

Hawaii Methodist Union - General Lease No.
S-4162 to the applicant scheduled to expire on
December 31, 1985,

Hawaiian Association of Seventh-Day Adventists -
General Lease No. S-4043 to the applicant
scheduled to expire on December 31, 1985, and
Revocable Permit No. S-4861.

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

JAN 25 1985

ITEM F-11

EXHIBIT "A"

ZONING: State Land Use Commission: Conservation
County of Kauai CZO: Open

STATUS OF PROPERTY: Subject lots are improved and occupied by the applicants for campsite purposes under existing general leases and a revocable permit.

LAND TITLE STATUS: Subsection 5(b) land.

REMARKS: General Lease Nos. S-4162, S-4043 and Revocable Permit No. S-4861 are existing contracts that allow the present lessees/permittee to utilize several of the Puu Ka Pele Park Lots for campsite purposes.

Both campsites are improved with several buildings, each utilized on a year-round basis by church affiliated groups and the general public.

The applicants are faced with the expiration of their current leases on December 31, 1985, and are interested in acquiring new leases.

RECOMMENDATION: That the Board:

- A. Find the areas to be of minimum size, relative to the intended use and are classified as economic units.
- B. Authorize the direct disposition of leases for campsite and related purposes to the applicants, subject to the terms and conditions previously mentioned which are by reference incorporated herein, in addition to the following terms:
 - 1. Appropriate concurrences to the dispositions be obtained from the Division of State Parks and the Governor.
 - 2. The lessee at its option will be allowed a full-time live-in caretaker on the premises. Such use, however, shall be limited to no more than one (1) building on each lease whose use shall be restricted for single-family dwelling purposes only.
 - 3. Prohibition of dangerous animals or animals that create nuisance on the premises; animals of any type that present a threat or danger to life, property or the environment whose presence constitutes a nuisance to others shall be prohibited.
 - 4. The introduction of noxious-exotic plant species to the leased premises may be permitted with the prior written approvals of the Division of State Parks and the Division of Forestry and Wildlife. The lessee shall, however, be responsible for the removal, at no cost to the State of Hawaii, of any and all exotic plant species found to have adverse impacts upon the environment.

5. Repairs to improvements. The lessee shall at its own expense, keep, repair and maintain all buildings and improvements now existing or hereafter constructed or placed on the premises in good condition and repair.
6. Character of use. The lessee shall use the premises or allow the use of the premises for campsite purposes only, provided that the lessee shall allow the general public to utilize the premises at rates approved by the Board of Land and Natural Resources.
7. Improvements. The lessee shall obtain all necessary prior clearances and shall furnish the lessor with plans and specifications of any major alteration or addition on the premises, for the prior approval of the Chairperson.

The Chairperson reserves the right to limit the number of buildings on the premises.

All buildings or additions to be built must be made with new materials and receive the prior written approval of the Chairperson, which may include an increase in the lease rent at the discretion of the Chairperson.

8. Rental reopenings. Rental reopenings to occur at the end of the 10th year.
9. Access roads and relocations of access roads. Subject to the prior approval of plans by the Chairperson, the lessee shall construct and maintain at its own cost, all access roads to the premises leading to and from roads maintained by the Board, the State, County or Federal governments.

The lessor reserves the right at all times during this lease to require the lessee to relocate at its expense all access roads to the premises leading to and from roads maintained by the Board, State, County or Federal governments.

10. Maintenance of water pipelines. The lessee shall be responsible for the water supply laterals from the main 4-inch waterline at Kokee Road to the demised premises.

The lessee's responsibility shall include the installation, maintenance and repair of said laterals at its own expense in accordance with plans and specifications first submitted to the lessor for approval.

11. Conduct of business on premises. The lessee shall not conduct any business on or from the premises including but not limited to raising of fruit or vegetable crops for sale, except with the prior approval of the Board.
12. Liability insurance requirements. Standard liability insurance language with minimum coverage specified at \$300,000 public liability and \$100,000 property damage.
13. Fire insurance requirement. Standard fire insurance clause.
14. Fires. The lessee shall not build any outdoor fires, except in an incinerator, fireplace, grill or stove, without the prior written approval of the Lessor. The Lessee shall also take all reasonable precautions to prevent forest fires, and in the event any fire shall occur, Lessee shall use all reasonable means at Lessee's command or under lessee's control to have any such fire speedily extinguished and shall assist in extinguishing any forest fires when requested so to do by the State Forestry or Parks Division.
15. Ownership of improvements at expiration of lease. At the end of the lease term or other sooner termination of the lease, the lessee shall peaceably deliver to the lessor possession of the demised premises, together with all fences, sewers, drains, roads, bridges, trees and all other improvements located on the land, including buildings and structures of every kind.

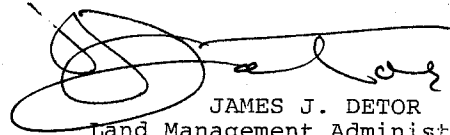
The lessor may at its option elect to retain the improvements or may require the lessee at the lessee's own expense to remove such improvements and restore the premises to a condition satisfactory to the lessor.

If the lessor requires lessee to remove the improvement, the lessee shall have ninety (90) days or such additional time beyond ninety (90) days as the lessor may allow beyond the expiration of the term hereof or other sooner termination thereof to effectuate said removal.
16. Cutting of trees. The lessee shall not cut or destroy any live forest trees without obtaining a permit to do so from the Chairperson or the Kauai District Forester.

The lessee shall clear the premises of dead wood, branches, weeds, and all other noxious growth and maintain and keep the premises in a condition conducive to preventing fires.

17. Standard lease bond condition.
 18. The interest rate on any and all unpaid or delinquent rentals shall be at one percent (1%) per month.
 19. Other terms and conditions.
- C. Find that hunting is not feasible on the premises nor will become so during the term of these leases.
 - D. The new lessees shall be responsible for the removal of all rubbish from the leased premises and shall dispose such rubbish at government-approved disposal sites.

Respectfully submitted,



JAMES J. DETOR
Land Management Administrator

APPROVED FOR SUBMITTAL:



SUSUMU ONO, Chairperson

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF: 97-881

Kauai

Amend Prior Board Action of October 16, 1992, Item F-14, The Direct Sale of Abandoned Road Right-of-Way; Set Aside to Trail Alignment to Division of Forestry and Wildlife, Na Ala Hele Program, Wailua, Kauai, TMK: (4) 4-2-7: abutting 12,

BACKGROUND:

At its October 16, 1992 meeting under Item F-14 the Board approved the direct sale of an abandoned and unimproved road right-of-way remnant to The Free Daist Communion.

Since the Board approval on October 16, 1992 the name of the applicant has changed to The Avataric Ruchirasala of Adidam

RECOMMENDATION:

That the Board amends its prior action of October 16, 1992, under Item F-14 by:

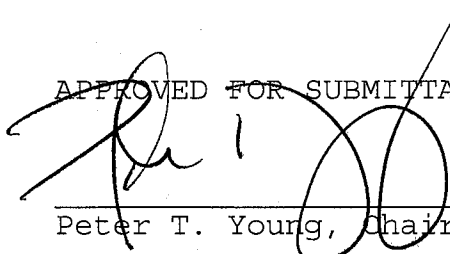
Change the name of the applicant to The Avataric Ruchirasala of Adidam

Respectfully Submitted,



Thomas H. Oi
District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 181
HONOLULU, HAWAII 96808

AGRICULTURE DEVELOPMENT
PROGRAM
NATURAL RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

October 16, 1992

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813

KAUAI

Subject: Direct Sale of Abandoned Road Right-of-Way,
Wailua, Kauai, Tax Map Key: 4-2-07:Abutting 12

STATUTE:

Section 171-52, Hawaii Revised Statutes, as amended

APPLICANT:

THE FREE DAIST COMMUNION

LOCATION AND AREA:

Portion of the Government (Crown) land of Wailua, situate at Wailua, Kauai, Tax Map Key: 4-2-07:Abutting 12, as shown outlined in red on map labeled Land Board Exhibit A, appended to the basic file.

Area: 2.82 acres, more or less, to be confirmed by the Department of Accounting and General Services, Survey Division.

STATUS:

Vacant and unencumbered

PURPOSE:

Consolidation with the applicant's abutting property.

ZONING:

State Land Use Commission - Rural
County of Kauai CZO - Residential

LAND TITLE STATUS:

Subsection 5(b) Land

CONSIDERATION:

One-time payment to be determined by independent appraisal.

A

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813
October 16, 1992

KAUAI

ENVIRONMENTAL IMPACT STATEMENT:

The subject disposition is for the fee simple conveyance of state land to an owner of abutting private land, and therefore, is not subject to Chapter 343, Hawaii Revised Statutes, as amended.

REMARKS:

The subject portion of the abandoned road right-of-way is the unimproved portion of Kaholalele Road abutting the applicant's private property. It is not discernible on the ground and, thus, is a paper road not subject to the jurisdictional dispute regarding the question of roads ownership between the state and counties according to an opinion rendered by the Department of the Attorney General- Land/Transportation Division on June 8, 1992. The improved portion of Kaholalele Road is maintained by the County of Kauai.

The unimproved portion of Kaholalele Road ends at parcel 130 of Tax Map Key: 4-2-02, a three (3) acre state-owned parcel located in the conservation district and provides legal access to said parcel. Consequently, the direct sale of the unimproved portion of Kaholalele Road would be subject to an access easement in favor of the state to prevent parcel 130 from becoming landlocked.

Also, to insure that public access to scenic and recreational areas of the Wailua River is maintained, the sale of the unimproved portion of Kaholalele Road should be subject to a reservation for a future trail alignment in favor of the State.

Pursuant to Section 171-52(c), Hawaii Revised Statutes, as amended, the other abutting land owner was informed of the applicant's request to purchase the subject road remnant and asked to response to the Department of Land and Natural Resources should he also be interested in purchasing the subject road remnant. By letter dated August 26, 1992, the other abutting land owner indicated he had no interest in purchasing the remnant. Accordingly, the direct sale of the subject road remnant to the Free Daist Communion would be in order.

RECOMMENDATION:

That the Board:

- A. Find the subject area, exclusive of the reserved easements, to be physically unsuitable for development as a separate unit because of its size and shape, and by definition is a remnant.

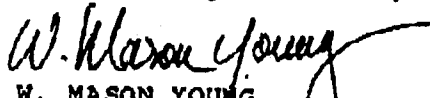
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813
October 16, 1992

KAUAI

4. Authorize the direct sale of the remnant to the Free Daist Communion subject to the above conditions, which are by reference incorporated herein in addition to the following:

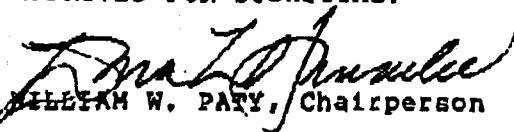
- 2?
1. The applicant shall consolidate the remnant with the applicant's abutting private property through the County of Kauai, Planning Department.
 3. Perpetual non-exclusive easement in favor of the state for access to Tax Map Key: 4-2-02:130.
 4. Perpetual non-exclusive easement ^{variable 10 to 15' wide} in favor of the state for a future public trail alignment. _{easement etc.}
 5. That the use of the subject area, whether in combination, consolidation, or otherwise, with other lands, shall be in accordance with the appropriate zoning and subdivision ordinances of the County of Kauai.
 6. Such other conditions as may be prescribed by the Chairperson.

Respectfully submitted,



W. MASON YOUNG
Land Management Administrator

APPROVED FOR SUBMITTAL:



WILLIAM W. PATY, Chairperson

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 97HD-586

Hawaii

Amend Prior Board Action of February 13, 1981, Agenda Item F-2, Direct Sale of Remnant to Anthony De Mattos; Manowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key: 3rd/3-6-09: Portion of Homestead Road Reserve

BACKGROUND:

The Land Board at its February 13, 1981 meeting, under agenda item F-2, approved the direct sale of remnant to Anthony De Mattos at Manowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key: 3rd/3-6-09: Portion of Homestead Road Reserve. (Exhibit A)

In the process of requesting for preparation of the necessary documents by the Attorney General's office, it was brought to our attention that the private property further identified as Tax Map Key: 3rd/3-6-09:05 had since changed ownership and that it would require Board approval to amend its prior board action.

Staff has since been in contact with the new owner of the property, Carrie Luke-Knotts, who provided our office with a Status Title Report confirming that the property is currently held in her name. In addition, fees have been paid, and the applicant has provided our office with all required tax clearances along with evidence of Final Consolidation Approval from the County of Hawaii, Planning Department for the remnant area.

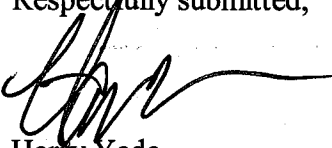
Therefore it is only appropriate to finalize the necessary documents in a timely manner, due to the length of time it has taken to complete this request.

RECOMMENDATION: That the Board:

1. Amend its prior board action taken at its meeting of February 13, 1981, under Agenda Item F-2 by changing all reference to the applicant under such action and authorize the sale of remnant to Carrie Luke-Knotts;

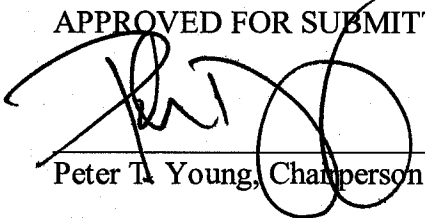
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Harry Yada
District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

February 13, 1981

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

HAWAII

Subject: Direct Sale of Remnant

STATUTE: Chapter 171-52, Hawaii Revised Statutes

APPLICANT: ANTHONY DE MATTOS

FOR: Portion of a homestead road reserve situate in the Manowaiopae Homesteads, North Hilo, Hawaii as shown on the map labeled Land Board Exhibit "A" appended to the basic file. Tax Map Key 3-6-09.

LAND TITLE STATUS: Sub-section 5(b) land

STATUS: Portion of homestead road reserve

AREA: 1,094 square feet, subject to confirmation by Survey Division, Dept. of Accounting and General Services.

CONSIDERATION: To be determined by independent appraisal establishing fair market value, same subject to review and approval by the Chairman.

PURPOSE: Consolidation with abutting property.

ZONING: State Land Use Commission: Urban
County of Hawaii CZO: RS-10

REMARKS: The applicant is presently in the process of selling his fee property identified as Parcel 5 of Tax Map Key 3-6-09. During the course of this transaction it was discovered that Mr. De Mattos' house is encroaching into the homestead road reserve abutting his property.

A subsequent survey by Donald J. Murray, Registered Land Surveyor, confirms the encroachment and also that the County maintained Manowaiopae Homestead Road in this area is outside of the right-of-way. Surveyor Murray found that a 1949 survey by W.K. Kamau locating the road boundary was grossly in error, causing a portion of Mr. De Mattos' residence to be built in the actual right-of-way.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

February 13, 1981

EXHIBIT A

ITEM F-2

Board of Land and
Natural Resources
Page 2

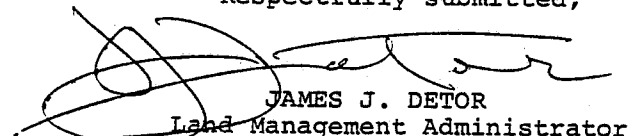
To correct the situation, the County of Hawaii, by Council Resolution No. 683 dated September 17, 1980, has abandoned the encroached portion of the road reserve.

RECOMMENDATION:

That the Board:

- A. Find the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant.
- B. Approve the direct sale of the remnant to the applicant subject to the terms and conditions listed above, which by this reference are incorporated herein, and subject also to the following terms and conditions:
 1. The purchaser shall be required to cash out the purchase price.
 2. That the use of the subject area, whether in combination, consolidation or otherwise with other lands, shall be in accordance with the appropriate zoning and subdivision ordinances of the County of Hawaii.
 3. The purchaser must submit written evidence of consolidation by the County of Hawaii Planning Department before a Land Patent is issued.
 4. Other terms and conditions as may be prescribed by the Chairman.

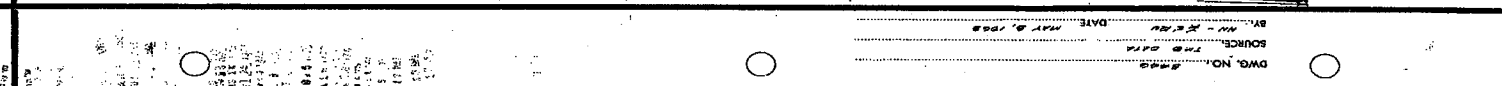
Respectfully submitted,


JAMES J. DETOR
Land Management Administrator

APPROVED FOR SUBMITTAL:


SUSUMU ONO, Chairman

1



DEPARTMENT OF TAXATION			
PROPERTY ASSESSMENT DIVISION			
TAX MAPS BRANCH			
STATE OF HAWAII			
TAX MAP			
THIRD	TAXATION DIVISION		
ZONE	SEC	PLAT	
3	6	09	
SCALE: 1 IN. = 60 FT			

**FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE**

por. MANOWAIOPAE HOMESTEADS, N. HILO, HAWAII. (Formerly por. 3-6-01)

4

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04HD-310

Hawaii

Rescind Prior Board Action for the Sale of Flume Right-of-way Reservation to John A. McCall and Marla Y. McCall, Manowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key: 3rd/3-6-06:91.

APPLICANT:

John A. McCall and Marla Y. McCall married, Tenants in by the entirety, whose business and mailing address is P.O. Box 65678 Tucson, Arizona, 85728.

LEGAL REFERENCE:

Section 171-57, Hawaii Revised Statutes, as amended.

LOCATION:

Lands of Manowaiopae Homesteads situated at Laupahoehoe, North Hilo, Hawaii, identified by Tax Map Key: 3rd/3-6-06:91, as shown on the attached map labeled Exhibit A.

AREA:

15/100 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture-20 acre

TRUST LAND STATUS:

The Flume Right-of-way Reservation would be Considered Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

REMARKS:

The Board at its meeting of February 11, 2005 under agenda item D-6, approved the sale of a flume right-of-way reservation to John A. McCall and Marl Y. McCall.

Applicant is the owner of parcel (3) 3-6-06:91 as staff has confirmed by researching the County of Hawaii, Real Property Tax Office web site. The reservation was intended to allow for a flume structure to transport sugar down slope to a processing mill. There is no indication that a flume structure was constructed on the applicants' property. Since there is little likelihood of a flume being erected on the property, the applicant had requested a waiver of the reservation.

A bid was sent out for an independent appraisal to determine the cost for the disposal of the flume reservation. The Applicant has objected to the appraisal fee of \$2,917.00 for a small piece of land and is therefore withdrawing their request to purchase said reservation.

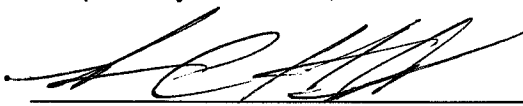
Staff is recommending that the Board rescind the prior action of February 11, 2005 agenda item D-6 authorizing the sale of a flume right-of-way reservation.

RECOMMENDATION:

That the Board:

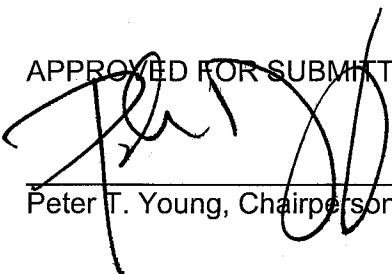
1. Rescind its prior action of February 11, 2005 agenda item D-6 authorizing the sale of a flume right-of-way reservation;
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gordon C. Heit
Land Agent

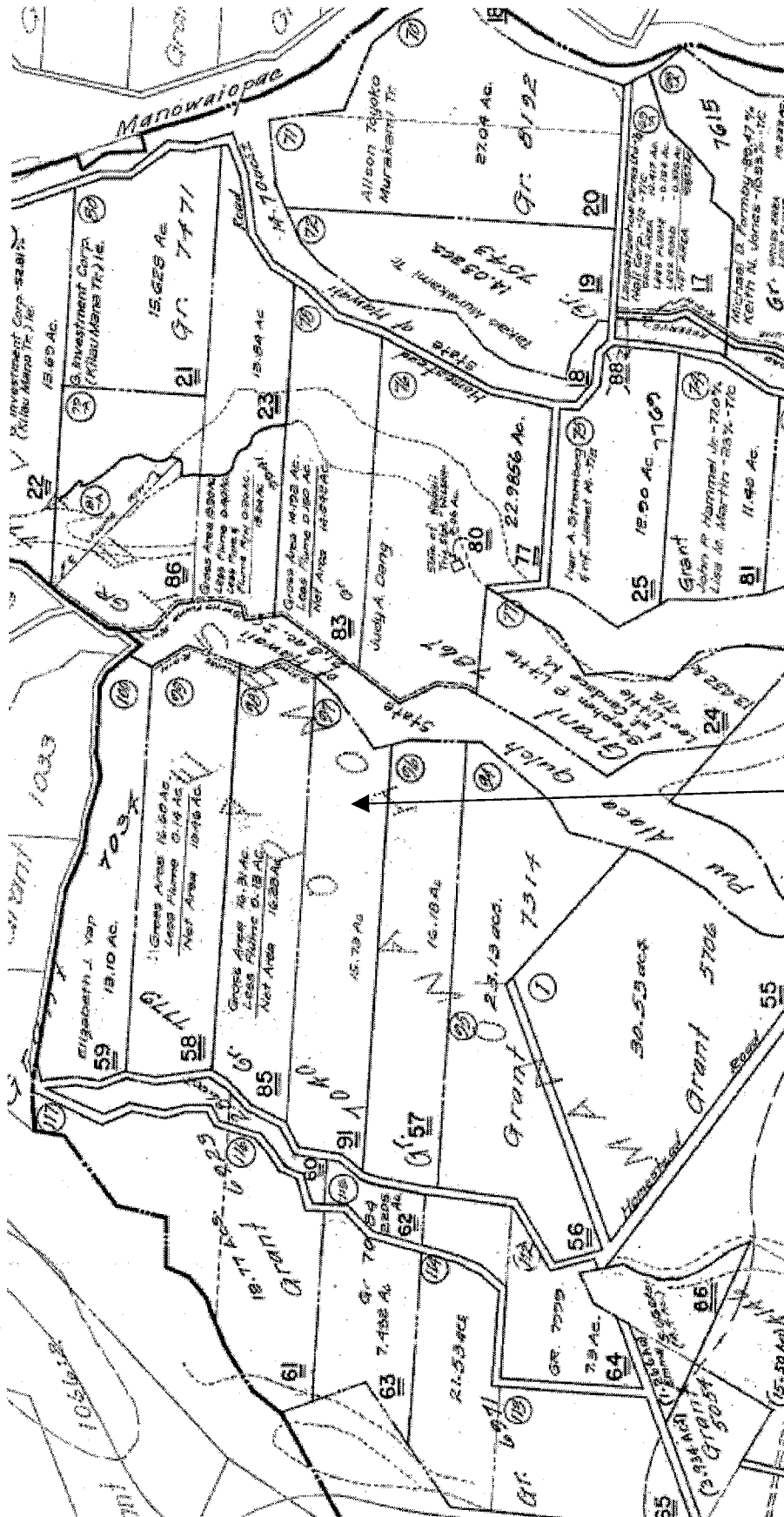
APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

TMK: 3RD/3-6-06:91

EXHIBIT A



SUBJECT PROPERTY

5

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Cancellation of General Lease No. S-5552, Hamakua-North Hilo Agricultural Cooperative, Lessee, Kemau 2nd, Hamakua, Hawaii, Tax Map Key: 3rd/4-3-5:01.

PURPOSE:

Cancellation of General Lease No. S-5552, Hamakua-North Hilo Agricultural Cooperative, Lessee.

LEGAL REFERENCE:

Lease was issued as a result of Act 211, 1994 Session Laws of Hawaii and amended by Act 252, 1996 Session Laws of Hawaii. This cancellation is to correct a duplication of leases issued by the Department of Land and Natural Resources and the Department of Agriculture for the same property.

LOCATION:

Portion of Government lands of Kemau 2nd, Government Remainder, Makai Tract situated at Kemau 2nd, Hamakua, Hawaii identified by Tax Map Key: 3rd/4-3-5:01, as shown on the attached map labeled Exhibit A.

AREA:

10.70 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CHARACTER OF USE:

General agricultural purposes.

TERM OF LEASE:

35 years, commencing on June 30, 1998 and expiring on June 29, 2033.

ANNUAL RENTAL:

\$57.60 due in semi-annual payments.

REMARKS:

The Hamakua-North Hilo Agricultural Cooperative (HNHAC) was created as a result of Act 211 of the Hawaii Revised Statutes in June 1994. This act was initiated to sustain agricultural activities after the closing of the Hamakua Sugar and Hilo Coast Processing facilities. The cooperative is comprised of six separate Department of Land and Natural Resources (DLNR) leases including General Lease No. S-5552, as well as other leases with the Department of Agriculture (DOA).

The Land Board at its meeting of April 25, 1997, Item D-15, approved in principal, the land exchange by and between the DOA and DLNR. DOA undertook the development of an agricultural park called the Hamakua Agricultural Park. In designing the subdivision, the DOA proposed to follow the old cane haul road, which would create a substantially larger DLNR flag lot. The land exchange would convey approximately 37.59 acres of DOA land valued at \$51,687.00 to the DLNR for 10.7 acres of DLNR land with a value of \$26,750.00.

Although the amounts reflect an imbalance in land value, the exchange is in the best interest of the DOA for the following reasons.

1. Allows the consolidation of an isolated parcel into the agricultural park for productive use.
2. Relieves the DOA from providing a "flag lot access" roadway through the Hamakua Agricultural Park in order to get County of Hawaii subdivision approval.
3. Provides a lease rent from the consolidated lot of a higher value as now it will be based on diversified agriculture instead of pastoral use.
4. Eliminates jurisdiction confusion between the DLNR and the DOA by each controlling a distinctly defined lot in the agricultural park.

At its meeting of June 19, 1998 under agenda item D-34, the Board approved the land exchange by and between the DLNR and the DOA. The completion of the exchange was held up at the Office of the Attorney General while the differences in the values of the two properties were resolved. In the meantime however, DLNR issued a lease (GL S-5552) for the parcel being exchanged and began collecting lease rent from the HNHAC.

In anticipation of the land exchange, the DOA consolidated the parcel within their agricultural park subdivision and leased the exchanged area to the HNHAC. In net effect, the DOA was also collecting lease rent for the same area. DLNR staff instructed the HNHAC to suspend

payment until such time the exchange was being resolved, and General Lease No. S-5552 could be cancelled.

The submittal of June 19, 1998 was subject to the disapproval of two-thirds of the Legislature for the exchange of the two parcels of land. In that this is an exchange between State government agencies, Legislative action is not necessary. Staff is therefore requesting the Board amend the previous submittal by deleting the recommendation that the exchange be subject to Legislative disapproval.

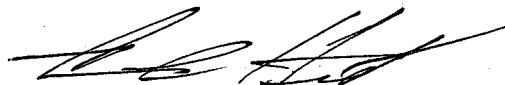
After a review, the current staff appraiser for the DLNR concurred with the original valuation for the two properties and recommended the land exchange proceed. The Exchange Deed and Agreement to Exchange was executed on July 22, 2005.

As a result of a land exchange (LOD No. S-28,458) with the Department of Agriculture, staff is requesting the Board cancel General Lease No. S-5552.

RECOMMENDATION: That the Board:

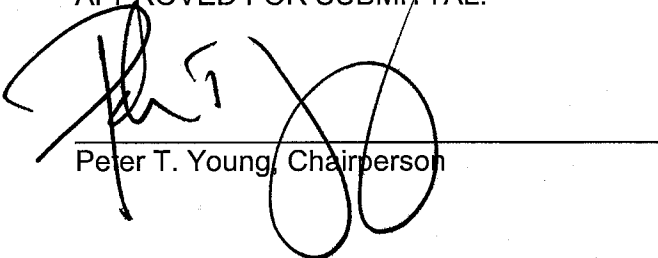
1. Approve the cancellation of General Lease No. S-5552;
2. Amend the Board submittal authorizing the exchange of land (Board meeting of June 19, 1998 agenda item D-34) by deleting the requirement for disapproval of two-thirds of the Legislature;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:

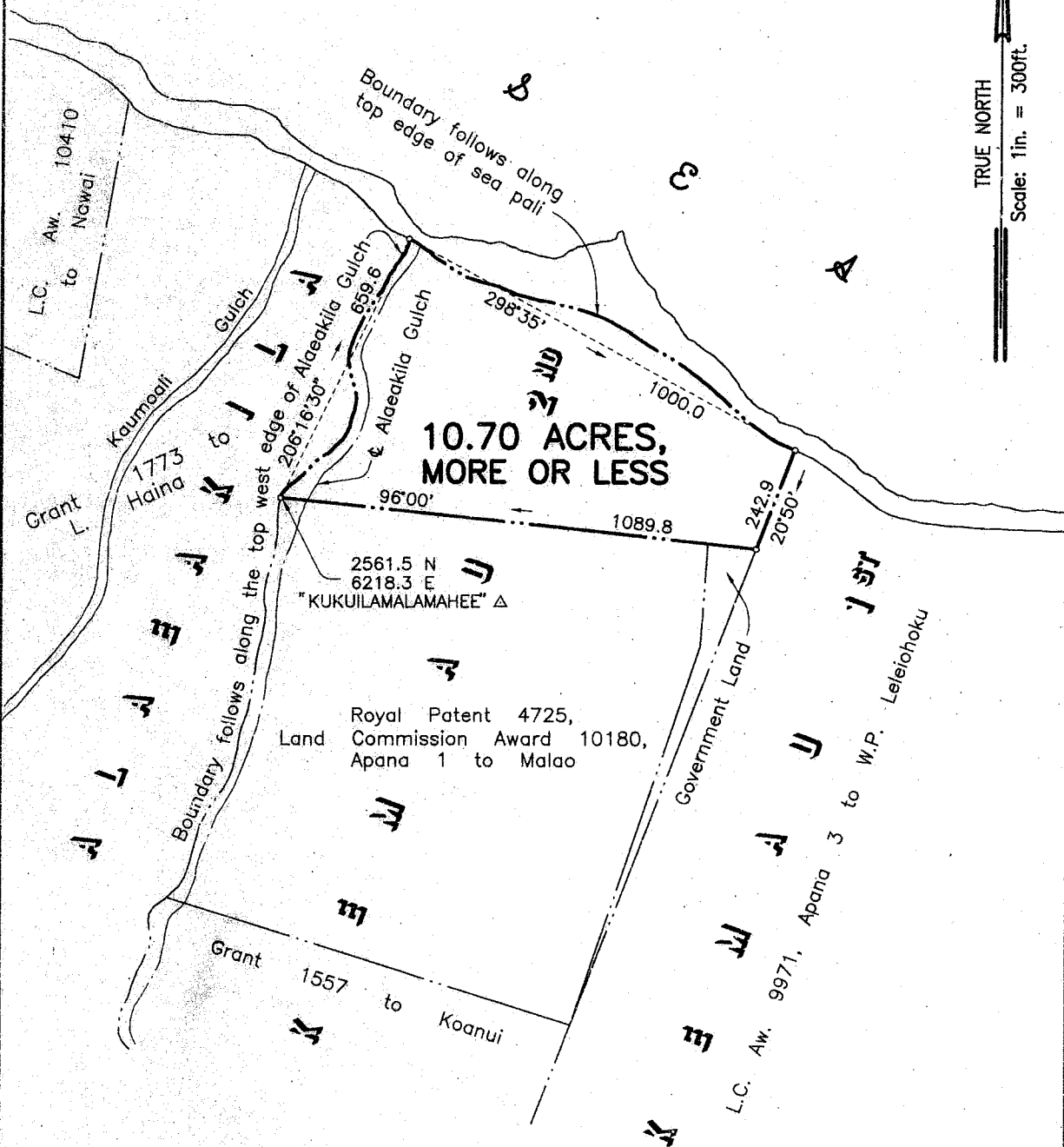

Peter T. Young, Chairperson

A hand-drawn map of a land area, possibly a survey or planning document. The map features several labeled areas and boundaries:

- Top Boundary:** A line labeled "Gulch" with a dashed line above it.
- Top Right:** A rectangular area labeled "L.C. Aw. 10410".
- Center:** A large area labeled "1773 37.590 Ac. A".
- Bottom Center:** A rectangular area labeled "2nd 45.911 Ac L.C. Aw. 10180:1".
- Bottom Right:** A shaded rectangular area with diagonal lines, labeled "3".
- Left Side:** A vertical line labeled "5" and "9".
- Right Side:** A vertical line labeled "1" and "2".
- Bottom Left:** A small area labeled "Aw. 8402:1".
- Bottom Center:** A small area labeled "7" and "10".
- Top Left:** A small area labeled "13 (5.323 Ac.)".
- Top Right:** A small area labeled "KAUMOALI" with "El. 310.40'".

The map includes various lines, boundaries, and shaded regions, suggesting a detailed land survey or planning document.

PROPERTY	SUBJECT



KEMAU 2nd GOVERNMENT REMAINDER
MAKAI TRACT

Kemau 2nd, Hamakua, Island of Hawaii, Hawaii

Scale: 1 inch = 300 feet

JOB H-309(97)

C. BK.

TAX MAP 4-3-05:1

C.S.F. NO. 22,690

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

E.T. April 20, 1998

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref. No.: GLS-4962

HAWAII

**Consent to Assign General Lease No. S-4962, Robelto Kaleianuinui Martines,
Assignor, to Rose M. Olsen, Assignee, Milolii-Hoopuloa, South Kona,
Hawaii, Tax Map Key: 3rd/ 8-9-14: 07**

APPLICANT:

Robelto Kaleianuinui Martines, as Assignor, to Rose M. Olsen, married, Tenant in
Severalty, whose business and mailing address is P. O. Box 6101, Ocean View, Hawaii
96737, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Lot 7, Milolii-Hoopuloa Houselots, Phase I, situated at
Milolii-Hoopuloa, South Kona, Hawaii, identified by Tax Map Key: 3rd/ 8-9-14: 07,
consisting of approximately .1148 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

65-years, commencing on July 12, 1985 and expiring on July 11, 2050. First rental
reopening is scheduled for July 12, 2010.

ANNUAL RENTAL:

\$132.00. Due in semi-annual installments of \$66.00, on the Twelfth of January and June, of each and every year.

CONSIDERATION:

Gratis

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

ASSIGNOR:

Not applicable, Assignor is an individual and is not required to register with DCCA.

ASSIGNEE:

Not applicable, Assignee is an individual and is not required to register with DCCA.

REMARKS:

Pursuant to Act 62, Session Laws of Hawaii 1982, as amended by Act 83, Session Laws of Hawaii 1984, authorizing the Department of Land and Natural Resources to negotiate and enter into long term leases to persons residing in Milolii who were dispossessed or displaced as a result of the 1926 volcanic eruption of Mauna Loa on the Island of Hawaii. Act 362, Session Laws of Hawaii 1987, as amended by Act 68, Session Laws of Hawaii 1989, and Act 86, Session Laws of Hawaii 1991, extended the sunset date to January 1, 1989, providing sufficient time to process Phase III of the Milolii-Hoopulua Lots.

At its meeting of June 22, 1984, and December 28, 1984, the Board under agenda Item H-2 and F-3, as amended, respectively, authorized the disposition of direct negotiation of residential leases to eleven grandfathered residences at Milolii, Phase I, pursuant to Act 62, Session Laws of Hawaii 1982, as amended by Act 83, Session Laws of Hawaii 1984.

At its meeting of April 26, 1985, Item F-2, the Board authorized the awarding of leases to "Grandfathered" residences in Milolii, Phase I. On July 12, 1985, Robelto Kaleianuinui Martines was awarded a residential lease under General Lease No. S-4962, Lot 7, Milolii-Hoopulua Houselot, Phase I, at Milolii-Hoopulua, South Kona, Hawaii, Tax Map Key: 3rd/ 8-9-14: 07.

On March 11, 2005, Mr. Robelto K. Martines visited the Hawaii District Land Office to

submit his request for consent to assignment of General Lease No. S-4962, to his sister, Rose M. Olsen, Assignee. Mr. Martines indicated that he has plans to relocate out of Milolii in the immediate future, therefore request the lease interest be assigned to his sister.

On December 16, 2005, the Milolii Screening Committee reviewed and determined that Rose M. Olsen is a qualified applicant for a Milolii-Hoopulua Residential Lease.

Staff reviewed the file and can report that for the past two (2) years, Robelto Martines had no notices of default. No fire insurance is required. General Liability insurance is current and is scheduled to expire on February 22, 2006. Robelto Martines have not been cited for any other illegal or unlawful activity on the State property. There are no bond requirements.

Rose M. Olsen has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

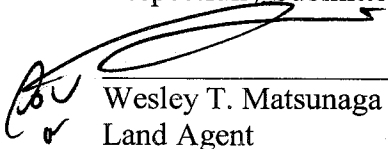
First rental reopening is scheduled for July 12, 2010. There is no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4962 from Robelto Kaleianuinui Martines, also known as Robelto Martines and/or Robelto Martines Sr., as Assignor, to Rose M. Olsen, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Wesley T. Matsunaga
Land Agent


APPROVED FOR SUBMITTAL:

Peter T. Young, Chairperson

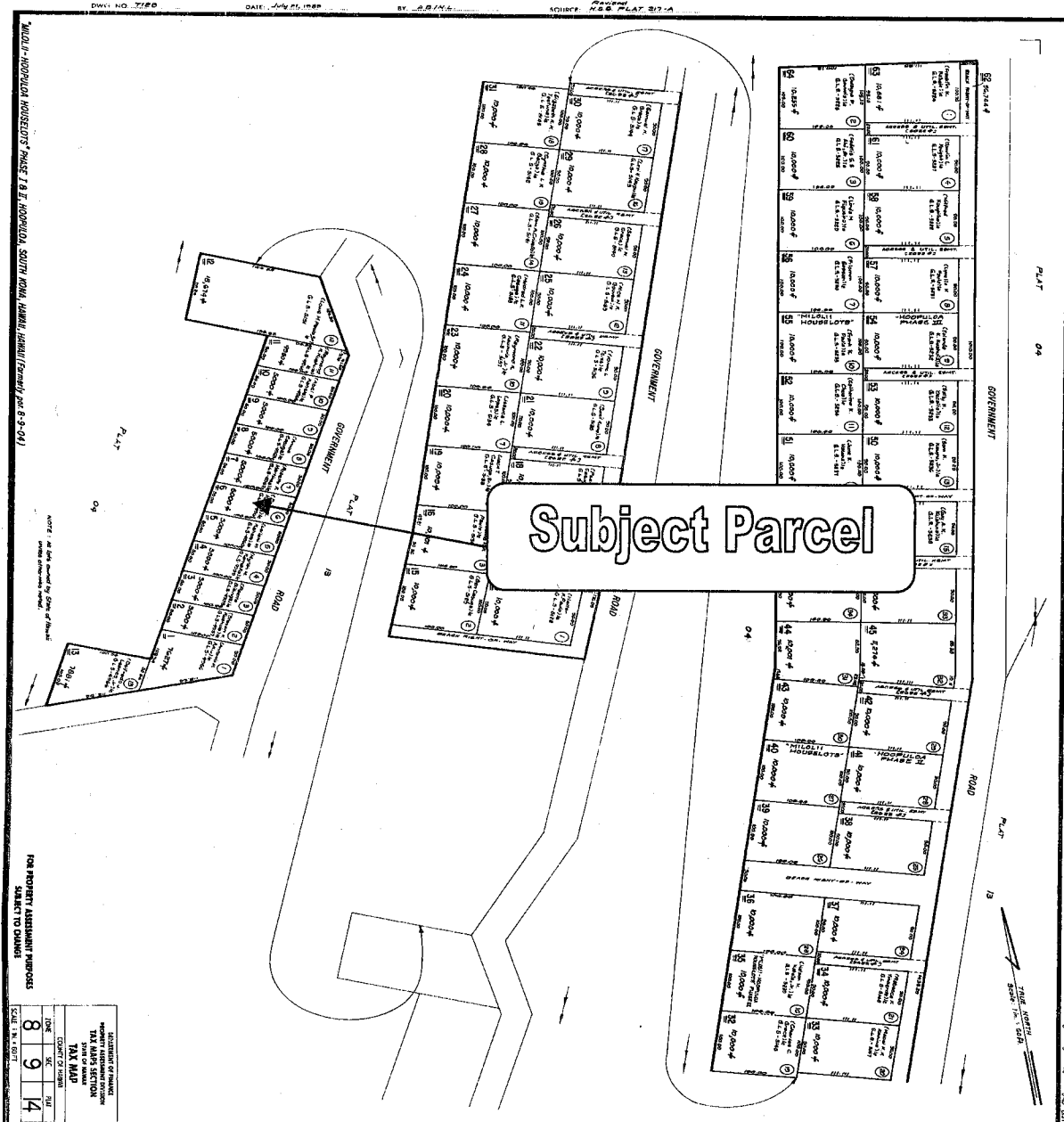


EXHIBIT A

7

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref. No.: GLS-4964

HAWAII

Consent to Assign General Lease No. S-4964, Mona K. Kahele, Personal Representative of the Estate of Abel Pepe Kahele, Lessee/Assignor, to Sheldyn Elizabeth Baniaga, Assignee, Milolii-Hoopulua, South Kona, Hawaii, Tax Map Key: 3rd/ 8-9-14:10

APPLICANT:

Mona K. Kahele, Personal Representative of the Estate of Abel Pepe Kahele, as Assignor, to Sheldyn Elizabeth Baniaga, single, Tenant in Severalty, whose mailing address is 82-5841 Mamalahoa Highway, Captain Cook, Hawaii 96704, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Milolii-Hoopulua, Lot 10, Phase I, situated at Milolii-Hoopulua, South Kona, Hawaii, identified by Tax Map Key: 3rd/ 8-9-14:10, consisting of approximately .1148 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

65-years, commencing on July 12, 1985 and expiring on July 11, 2050. First rental reopening is scheduled for July 12, 2010.

ANNUAL RENTAL:

\$132.00. Due in semi-annual installments of \$66.00 on November 30th and May 31st of each and every year.

CONSIDERATION:

\$ 10.00.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Assignor/ Assignee, as individuals, are not required to register with DCCA.

REMARKS:

Act 62, Session Laws of Hawaii 1982, as amended by Act 83, Session Laws of Hawaii 1984, authorized the Department of Land and Natural Resources to negotiate and enter into long term leases to persons residing in Milolii who were dispossessed or displaced as a result of the 1926 volcanic eruption of Mauna Loa on the Island of Hawaii.

Although Act 62 (SLH 1982) and Act 83 (SLH 1984) does not specifically address restrictions for assignment of lease, it does address criteria for eligibility for qualifications of those leases. The general leases issued under the Act do include appropriate language/restrictions for assignments, where prior written approval of the Board of Land and Natural Resources is required, and prospective Assignees must meet qualified criteria under the Act.

At its meeting of June 22, 1984 (Item H-2) and December 28, 1984 (Item F-3), the Board as amended, authorized the disposition by direct negotiation of eleven grandfathered residences at Milolii, Phase I, pursuant to Act 62, SLH 1982.

At its meeting of April 26, 1985, Item F-2, the Board approved the awarding of leases to the eleven "grandfathered" residences at Milolii, Phase I, pursuant to Act 62. Mr. Abel

Pepe Kahele confirmed as one of the eleven names contained on the list of "grandfathered" residences was awarded a lease under General Lease No. S-4964.

On April 22, 1994, Mr. Abel P. Kahele passed away. Staff forwarded a letter to the last address on record, to inform Mr. Kahele's family of a need to assign the leasehold interest to a qualified successor of the State leasehold property. Contact was made but no formal requests or applications were received.

On June 16, 2005, staff forwarded an opinion from the Office of the Attorney General, which informed the Milolii Lessees that the Designation of Successor and Assignee form previously completed, is not an enforceable/ recognized document. That the designation form does not allow the designated successor/assignee to avoid probate as initially intended.

As a result, Mona K. Kahele, widow of Abel Pepe Kahele, with the assistance of the Habitat for Humanity, filed for probate to designate a successor/beneficiary of Mr. Kahele's estate. By letter dated September 19, 2005, Mr. Gerald A. Garcia, Attorney at Law, on behalf of and representing Mona K. Kahele, informed the Hawaii District Land Office that through the probate process, the Circuit Court of the Third Circuit appointed Mona K. Kahele as the Personal Representative of the Estate of Abel Pepe Kahele. That Mrs. Mona Kahele would now like to request consent to assignment of General Lease No. S-4964 from herself as the court appointed representative of the Abel P. Kahele estate to Sheldyn Elizabeth Baniaga, Assignee. Ms. Baniaga, daughter of Mona and Abel Kahele, a former Lessee under General Lease No. S-5136 is a qualified assignee under Act 62.

Staff reviewed the file and can report that for the past two (2) years, annual rent has been current. There is no requirements for performance bond or fire insurance. Notices of default were sent on 11/14/03 and 11/18/04 for liability insurance. Records indicate that the liability insurance is current with an expiration of November 22, 2006. The Lessee has never been cited for any other illegal or unlawful activity on the State property.

Sheldyn E. Baniaga, as Assignee, has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

On December 16, 2005, the Milolii Screening Committee reviewed and confirmed that Sheldyn E. Baniaga as a qualified applicant for a Milolii Residential Lease.

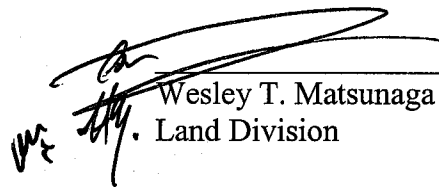
The first rental reopening is scheduled for July 11, 2010. There is no outstanding rental reopening issues.

RECOMMENDATION:

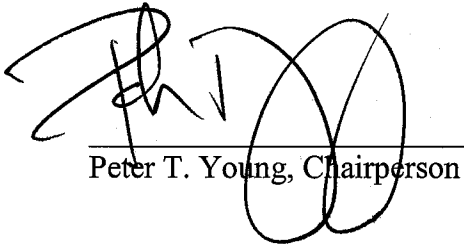
That the Board consent to the assignment of General Lease No. S-4964, from Mona K. Kahele, Personal Representative of the Abel Pepe Kahele Estate, as Assignor, to Sheldyn Elizabeth Baniaga, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Wesley T. Matsunaga
Land Division

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

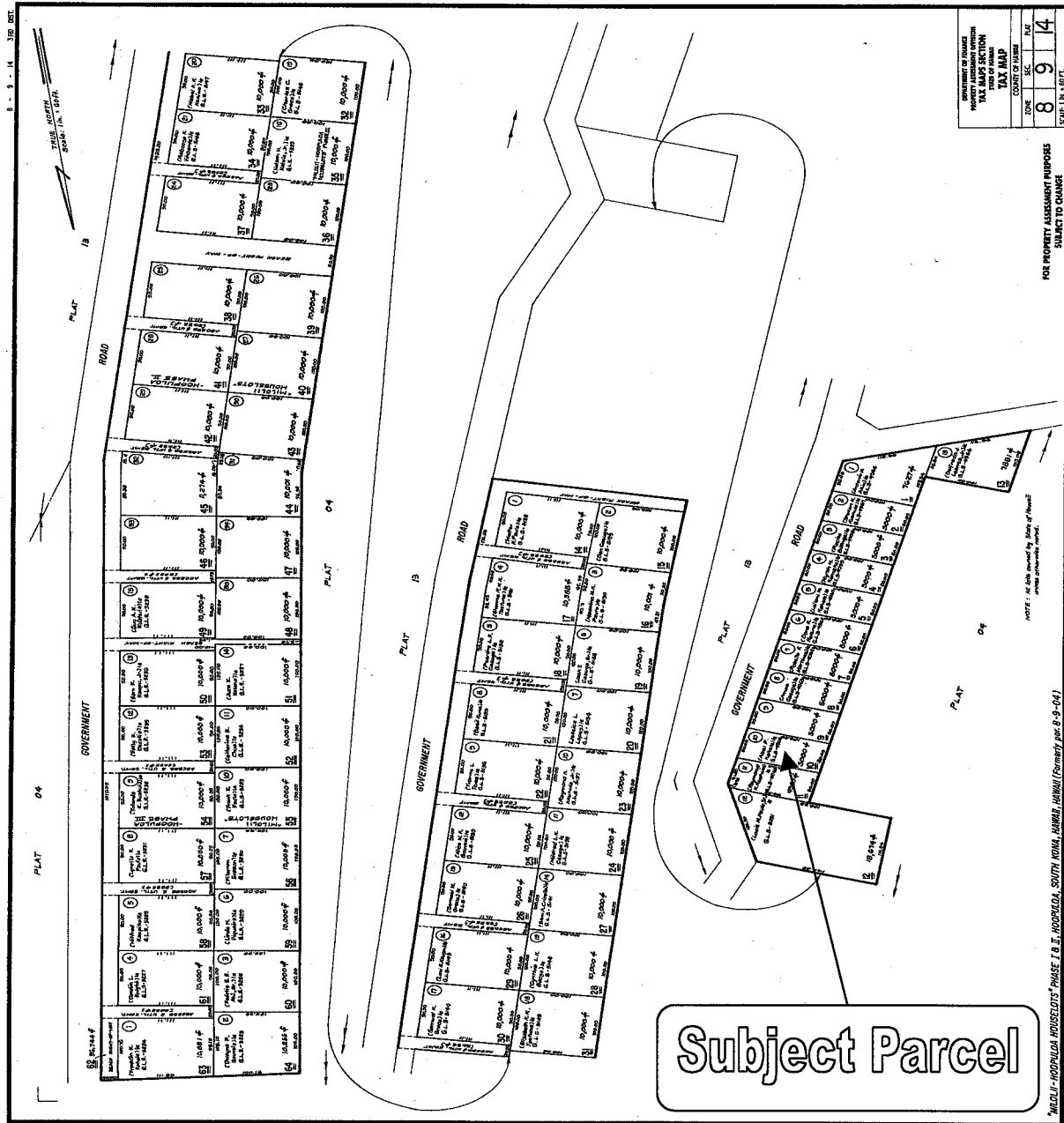


EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05MD-224
PSF No.:02MD-569
MAUI

Grant of Perpetual, Non-Exclusive Easement to Brian Burke
for Access and Utility Purposes, Makawao, Maui, Tax Map Key:
(2) 2-1-5:portion 77.

APPLICANT:

Brian Burke, Tenant in Severalty, whose mailing address is 715
Vernal Way, Redwood City, California 94062.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Mooloa situated at Makawao, Maui,
identified by Tax Map Key: (2) 2-1-5:portion 77, as shown on the
attached map labeled Exhibit A.

AREA:

821 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

27721, Maui Electric Company, Limited and GTE Hawaiian Telephone Company, Incorporated for telephone and electrical transmission line purposes.

Encumbered by Grant of Easement bearing Land Office Deed No. S-27667, Gordon t. Krekow for access and utility purposes.

Encumbered by Grant of Easement bearing Land Office Deed No. S-27350, assigned to Ralph Hertz and Mary Hertz for access and utility purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis. State abstractor has determined Parcel 53 is an award of kuleana status. (Exhibit B)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

None

BACKGROUND:

Parcel 53 was previously owned by George Krekow. Parcel 53 is a landlocked property. The Land Board on June 9, 1983, under agenda item F-7, approved granting a perpetual, non-exclusive easement to Mr. Krekow for access and utility purposes (LOD 27,667). Consideration paid was \$120. Later George conveyed

Parcel 53 to his brother Karl Krekow and his wife Barbara Krekow. In 1991, the United States Marshal seized Parcel 53 because the property was purchased with proceeds traceable to the exchange of controlled substances. We provide a brief history:

	Grantor	Grantee
7/6/1987	Gordon Krekow	Karl & Barbara Krekow
2/11/1991	Karl & Barbara Krekow	USA
5/17/1991	United States of America	Martin Rabbett, Trustee for the Cham Enterprises, Ltd. Pension and Profit Sharing Trust
1/20/1999	Martin Rabbett, Trustee for the Cham Enterprises, Ltd. Pension and Profit Sharing Trust	Martin Rabbett
10/1/1999	Martin Rabbett	Randy Ragon, Trustee
5/10/2001	Randy Ragon, Trustee	Brian Burke

Subsequent examination of the documents between the USA and Mr. Rabbett revealed that the subject easement was never included in the forfeiture action, and thus, the State easement was never legally conveyed to any subsequent new owner of Parcel 53, (Exhibit C). On June 12, 1992, the Land Board did authorize a new non-exclusive easement to Mr. Rabbett, as Trustee as aforesaid, however, Mr. Rabbett was nonresponsive to the Maui staffs' request to finalize the easement document. To date, neither Mr. Rabbett nor any of his successors in interest ever formalized the access and utility easement for Parcel 53.

REMARKS:

Staff spoke to Mr. Burke and he is interested in acquiring the easement for access and utility purposes. Since no formal easement document was ever executed by Mr. Rabbett, and to eliminate any further delays, staff is recommending that the Board issue a new easement directly to Mr. Brian Burke, which easement would run with Parcel 53, and to require Mr. Burke to inform his successors in interest of the liability insurance requirement.¹

The applicant, Mr. Brian Burke has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

¹ The predecessors in interest to the USA (Gordon Krekow, and Karl and Barbara Krekow) have not used the easement for over 15 years. Thus, according to paragraph 11 of the original easement LOD 27,677, that easement is deemed abandoned and shall cease and terminate, and revert back to the State.

Comments were solicited and their statements are listed below:

DHHL	No comments
Historic Preservation	No response
County of Maui, Planning	No objections
County of Maui, Public Works	No objections
OHA	No comments

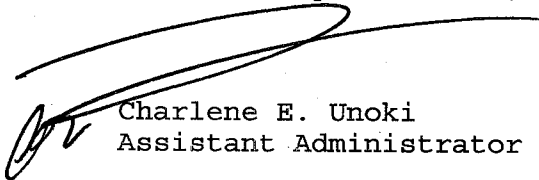
Staff is requesting the consideration for the easement be at gratis. On December 30, 2004, the State Abstractor determined that Parcel 53 is a kuleana.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Brian Burke covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 2-1-5:53, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

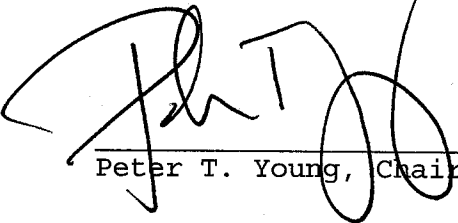
3. Rescind its prior action of March 27, 1992, under agenda item F-1-a and June 12, 1992, under agenda item F-7.
4. Cancellation of Grant of Easement issued to Gordon Krekow (LOD 27,667).

Respectfully Submitted,

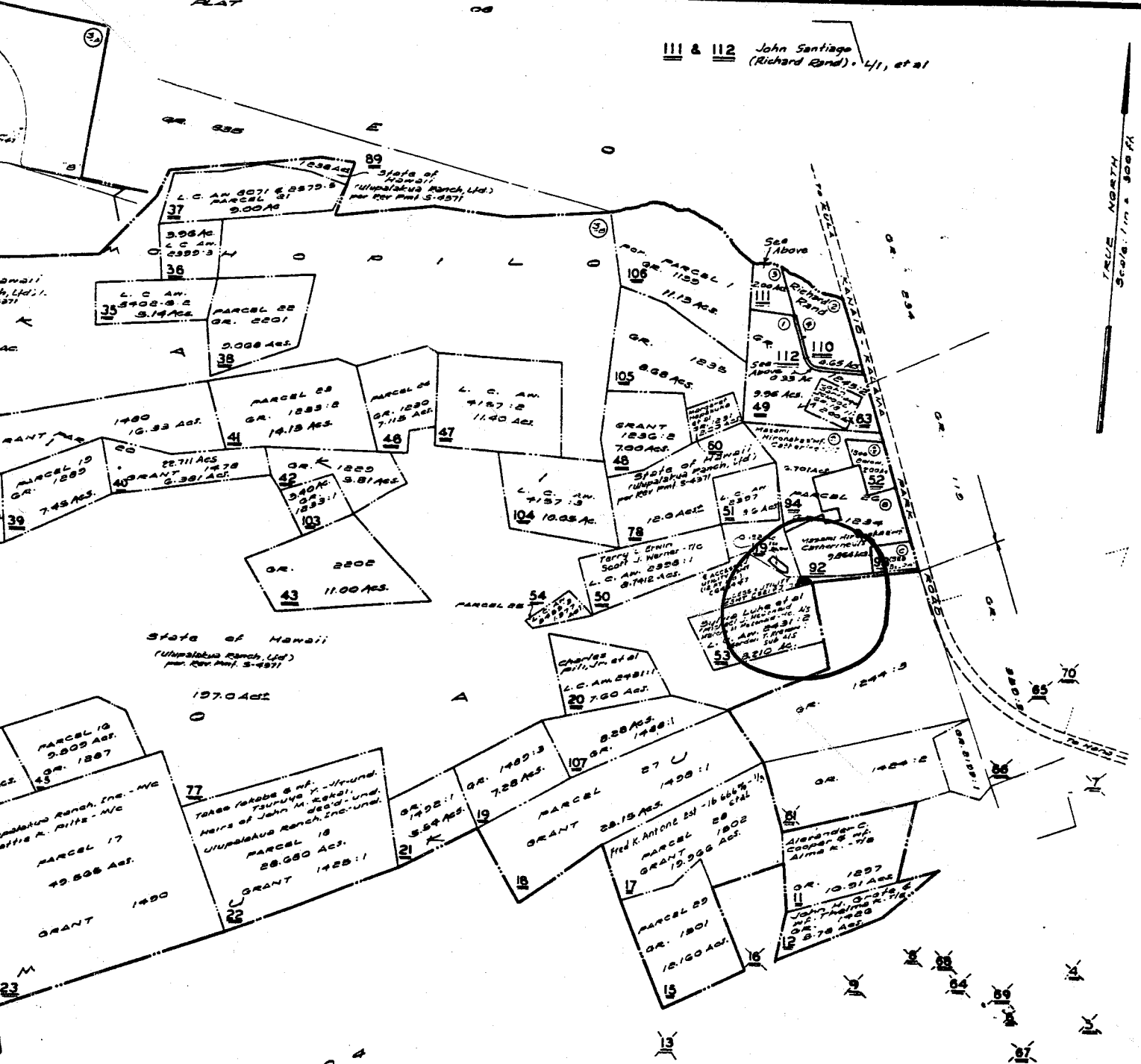


Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



III & II2 John Santiago (Richard Bond) 4/1, et al

State of Hawaii (Ulukou Ranch, Ltd.) Per Rev. Pmt. S-4371

Unknown Grant - Und. int.
Bruce Anderson & ne Jacqueline - 7/8 - 1/8
John Elliot & ne Florence - 7/8 - 1/8
GRANT 2056
(Unlocated in Heamuku)

93 LESSAGE
Shirley H. H. H. H. H.
CHAS. - 7/8
52 Joseph R. Kuhio & ne
Julius R. - 1/4

119 State of Hawaii
(Ralph Hertz & Mary Hertz)
Per. Rev. Pmt. S-6683

2 77

Dropped Parcels - 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
SECOND TAXATION DIVISION		
ZONE	SEC.	PLAT
2	1	05
SCALE: 1 IN. = 300 FT.		

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

EXHIBIT "A"

Prince Hotels of Hawaii, Inc. - Und.
County of Maui - Und.
Seibu Fudosen K. K. - Und.
Prince Hotels of Hawaii, Inc. - Und.
Seibu Hawaii, Inc. - Und.

NOTE: Parcels 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PERPETUAL NON-EXCLUSIVE
EASEMENT FOR ACCESS AND
UTILITY PURPOSES (1200ft.wide)

Grant of Easement
State of Hawaii to T.L. Erwin
and S.J. Werner dated May 27, 1983
and recorded in Lib. 17075, Pg. 251
(L.O.C. S-27350)

PERPETUAL NON-EXCLUSIVE
ACCESS AND UTILITY EASEMENT

R.P. 7478, L.O. Aw. 2431, Ap. 2
to King

Parcel
53

Grant 1244, Apana 3
to John M. Painter

PERPETUAL NON-EXCLUSIVE
ACCESS AND UTILITY EASEMENT
Mooloa, Honuaula, Makawao, Maui, Hawaii
Scale: 1 inch = 20 feet

JOB Ma-237(83)
C. BK 5, J. Matsuno

TAX MAP 2-1-05

C. S. F. No. 19801

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT "A"

JMM Oct 11, 1983

Land

TRUE NORTH
Scale: 1 inch = 20 feet

Grant 1234 to John Brown

to Kanao-Kaiana Park Road
ROAD

Government

GOVERNMENT

(C.S.F. 19199)

19.30

291°03'30"

53.50

12.80

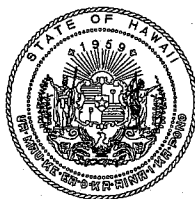
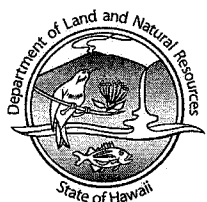
186°30' → 31.70

821 Sq. Ft.

54.90
858.00

549.28 N
13631.09 E
"PUU OLAI" Δ

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
DIVISION OF
LAND MANAGEMENT
2005 JAN -5 PM 12:12

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 30, 2004

10143(M)

MEMORANDUM

TO: Charlene E. Unoki, Assistant Administrator

THROUGH: Dierdre S. Mamiya, Administrator *[Signature]*

FROM: E. Mahoe Collins, ~~Abstractor~~ *[Signature]*

SUBJECT: PSF # 02MD-569: Kuleana Status of designated TMK: (2) 2-1-05: 53 situate at Makawao, Island and County of Maui, State of Hawaii.

We have been requested to determine the kuleana status of the original source of title to the subject tax map key parcel (2) 2-1-05: 53, identified on the attached map as being all of Apana 2 of Land Commission Award 2431.

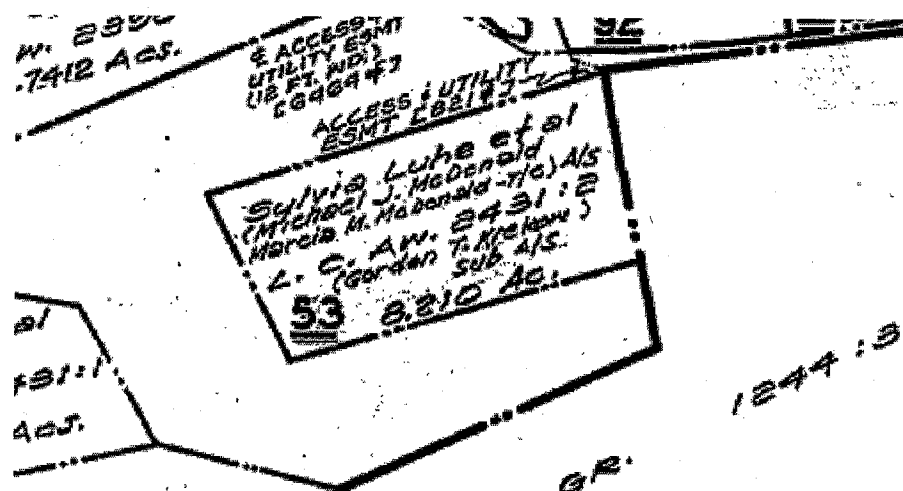
Records in our office reveal that said award dated September 18, 1854 was issued to Kiha, whose name does not appear in the 1848 Mahele Book, indicating that the named awardee did not participate as a konohiki in the Land Division with the king.

We further find by the testimony of Kenui, that the said Kiha received this land prior to 1845 "at the time of Kamehameha".

We find that the subject property, as adjudicated by the Land Commissioners on September 18, 1854, under Land Commission Award 2431 to Kiha, **is a kuleana.**

If you have any questions, please feel free to call upon me at 587-0458.

EXHIBIT "B"



TMK: (2) 2-1-05: 53
APANA 2 of LAND COMMISSION AWARD 2431

EXHIBIT "B"

DOCUMENT FOR APPROVAL BY THE BOARD OF LAND AND NATURAL RESOURCES

March 27, 1992

CONSENT

ASSIGNMENT OF GRANT OF EASEMENT:

MAUI

UNITED STATES OF AMERICA, having acquired title by Decree of Forfeiture dated February 11, 1991, filed in the United States District Court for the District of Hawaii, State of Hawaii, in Civil No. 89-00810DAE, as Assignor, to MARTIN ALLEN RABBETT, as Trustee for the Cham Enterprises, Ltd. Pension and Profit Sharing Trust, Assignee; Grant of Easement (Land Office Deed No. S-27,667), a perpetual and non-exclusive access and utility easement.

LOCATION AND AREA:

821 square feet, being a portion of the Government Land of Mooloa, Honuaula, Makawao, Maui, as shown on CSF Map 19801, attached to the basic file and labelled Land Board Exhibit "A."

Tax Map Key: 2nd/2-1-05:Portion of 77

Area: 821 square feet

LAND TITLE:

Subsection 5(b) Land

CHARACTER OF USE:

Access and utility purposes

CONSIDERATION:

\$1.00

REMARKS:

At its meeting on June 9, 1983 under agenda Item F-7, the Board of Land and Natural Resources approved the sale of an access and utility easement, consisting of 821 square feet, to Mr. Gordon T. Krekow to service his Parcel 53. Having satisfied all the government requirements, Land Office Deed No. S-27,667 was issued to Mr. Krekow. By Warranty Deed dated July 6, 1987, Mr. Krekow transferred his property to Karl and Barbara Krekow, husband and wife, as Tenants by the Entirety. No consent to assignment of Land Office Deed No. S-27,667 was ever requested or approved.

ITEM F-1-a

W P
EXHIBIT "C"

ASSIGNMENT OF GRANT OF EASEMENT: (continued)

UNITED STATES OF AMERICA, Assignor, to MARTIN ALLEN
RABBETT, Assignee

REMARKS: (continued)

By Decree of Forfeiture, Civil No. 89-00810DAE filed February 11, 1991, in the United States District Court, District of Hawaii, in the case entitled UNITED STATES OF AMERICA v. REAL PROPERTY TITLED IN THE NAME OF KARL THOMAS KREKOW and BARBARA HIMMELMAN KREKOW, husband and wife, AS TENANTS BY THE ENTIRETY, BEING ALL OF THE LAND DESCRIBED IN AND COVERED BY ROYAL PATENT NUMBER 7473 LAND COMMISSION AWARD NUMBER 2431, APANA 2 TO KIHA, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES, SITUATE, LYING AND BEING AT HONUALU, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII, TAX MAP KEY NUMBER 2-1-5-53 (2), it was ORDERED, ADJUDGED AND DECREED that the defendant's real property with all appurtenances and improvements be forfeited to the United States of America, as said property was purchased with proceeds traceable to the exchange of controlled substances in violation of Title II of the Controlled Substances Act, and further, that the property be disposed of according to law. The property was sold to Martin Allen Rabbett, as Trustee for the Cham Enterprises, Ltd. Pension and Profit Sharing Trust. The United States of America, by way of a Limited Warranty Deed, executed by Al Patino, Senior Deputy U. S. Marshall, assigned the Grant of Easement, Land Office Deed No. S-27,667 to Martin Allen Rabbett, Trustee, on May 17, 1991, and it was recorded on May 24, 1991, as Document #91-067427 in the Bureau of Conveyances, State of Hawaii.

RECOMMENDATION:

That the Board:

1. Consent to the assignment of Grant of Easement No. S-27,667 from Gordon Krekow to Karl and Barbara Krekow;
2. Recognize the Decree of Forfeiture dated February 11, 1991, in Civil No. 89-00810DAE; and
3. Consent to Assignment of Grant of Easement No. S-27,667 from the United States of America, to Martin Allen Rabbett, Trustee, subject to the following terms and conditions:
 - a. Review and approval of the assignment by the Attorney General; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

3-27-92

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 12, 1992

Board of Land and
Natural Resources
State of Hawaii
Honolulu, HI

MAUI

Subject: Cancellation of Former Board Action of
March 27, 1992 (Agenda Item F-1-a) and
Concurrent Sale of a Perpetual, Non-Exclusive
Access and Utility Easement, Mooloa, Honuaula,
Makawao, Maui, TMK 2-1-05:por. 77

STATUTE: Chapter 171, Hawaii Revised Statutes, as
amended

APPLICANT: MARTIN ALLEN RABBETT, Trustee
Cham Enterprises, Ltd. Pension and
Profit Sharing Trust
3711 Round Top Drive
Honolulu, HI 96822

FOR: Perpetual, non-exclusive access and utility
easement encompassing a portion of Tax Map Key
2-1-05:77 at Mooloa, Honuaula, Makawao, Maui,
as shown in red on the map labeled Land Board
Exhibit "A" appended to the basic file.

STATUS OF
LAND TITLE: Subsection 5(b) land

STATUS: Encumbered under three (3) revocable permits
for pasture, general agriculture and water
tank purposes and two (2) access and utility
easements.

SPECIFIC USE: Access and utility purposes

ZONING: State Land Use Commission: Agriculture
County of Maui: Agriculture

AREA: 821 sq. ft.

CONSIDERATION: Gratis - only Administrative Costs

EXHIBIT "C"

ITEM F-7

REMARKS:

The subject easement, with Land Board approval on June 9, 1983 under agenda Item F-7, was originally sold and awarded to Mr. Gordon T. Krekow under Land Office Deed (LOD) No. S-27,667 to service his abutting Tax Map Key 2-1-05:53.

It was later determined that this property was purchased with proceeds traceable to the exchange of controlled substances and by subsequent Decree of Forfeiture, Civil No. 89-00810 DAE filed on February 11, 1991, the subject property was forfeited to the United States of America (USA) and was disposed of according to law.

Martin Allen Rabbett purchased the property and requested that the easement originally sold to Mr. Krekow be assigned to himself. This assignment was approved by the Board at its March 27, 1992 meeting under agenda Item F-1-a.

Subsequent examination of the documents between the USA and Mr. Rabbett revealed that the subject easement was not included in the forfeiture action and cannot be assigned inasmuch as the title still rests in the name of Gordon T. Krekow, now deceased.

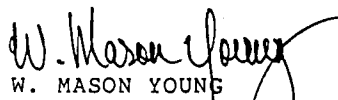
RECOMMENDATION: That the Board:

1. Cancel its action of March 27, 1992, agenda Item F-1-a, relative to the assignment of Grant of Easement (LOD No. S-27,667) from USA to Martin Allen Rabbett, Trustee for the Cham Enterprises, Ltd. Pension and Profit Sharing Trust;
2. Authorize the direct sale of an 821-sq.-ft. non-exclusive easement for access and utility purposes to the applicant covering portions of the subject State parcel under the terms and conditions previously listed which are by reference incorporated herein, including the following additional terms and conditions:
 - a. Applicant shall be responsible for obtaining the required subdivision approval from the County of Maui for the subject easement;
 - b. Standard indemnification and hold-harmless clause;

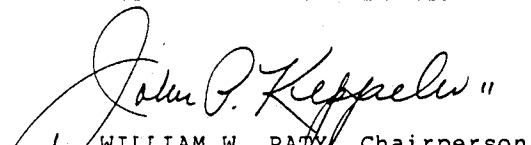
EXHIBIT "C"

- c. Standard one (1)-year reverter clause upon non-use or abandonment of the subject easement;
- d. Standard relocation clause;
- e. The grantee, his guests or invitees shall not use the subject easement area at any time for parking or storage of any vehicle, equipment, construction materials or other items;
- f. Other standard terms and conditions covering easements of this nature; and
- g. Such other terms and conditions as may be prescribed by the Chairperson.

Respectfully submitted,


W. MASON YOUNG
Land Management Administrator

APPROVED FOR SUBMITTAL:


WILLIAM W. PATTI, Chairperson

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

6-12-92

EXHIBIT "C"

RECORDATION REQUESTED BY:

DEPT OF LAND AND NATURAL RESOURCES
LAND MANAGEMENT DIVISION

AFTER RECORDATION, RETURN TO:

DEPT OF LAND AND NATURAL RESOURCES
LAND MANAGEMENT DIVISION

RETURN BY: MAIL () PICKUP (X)

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII
OFFICE OF

BUREAU OF CONVEYANCES

Received for record this APR 5 1988
day of _____, A.D., 19____
at 8:01 o'clock A.M. and
recorded in Liber 21788
on Pages 206

GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 31st
day of March, 1988, by and between the STATE OF
HAWAII, by its Board of Land and Natural Resources, pursuant to
the provisions of Section 171-13(2), Hawaii Revised Statutes, as
amended, hereinafter referred to as the "GRANTOR," and GORDON T.
KREKOW, unmarried, whose residence and post office address is 25
Kamaka Circle, Lahaina, Maui, Hawaii 96761, hereinafter referred
to as the "GRANTEE,"

WITNESSETH THAT:

The Grantor, for and in consideration of the sum of ONE
HUNDRED TWENTY AND NO/100 DOLLARS (\$120.00), the receipt whereof
is hereby acknowledged, and of the terms, conditions, and covenants
herein contained, and on the part of the Grantee to be observed
and performed, does hereby grant unto the Grantee, the following
perpetual and non-exclusive access and utility easement rights,
privilege and authority to go in, over, under and across that
certain parcel of Government land situate at Makawao, Maui,
Hawaii, designated "Easement," containing an area of 821 square
feet, more or less, more particularly described in Exhibit "A"
and delineated on Exhibit "B", both of which are attached hereto
and made parts hereof, said exhibits being, respectively, a
survey description and survey map prepared by the Survey

~~EXEMPT~~ HAWAII CONVEYANCE TAX

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

CERTIFICATE NOT REQUIRED

EXHIBIT "D"

Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 19,801 and dated October 11, 1983.

TOGETHER WITH the rights of ingress and egress to and from said easement area for all purposes in connection with the rights hereby granted.

TO HAVE AND TO HOLD said easement unto the Grantee, in perpetuity, SUBJECT, HOWEVER, to the following terms, conditions and covenants:

1. The Grantee, its successors and assigns, shall at all times with respect to the easement area use due care for public safety and agrees to defend, hold harmless and indemnify the Grantor, its officers, agents and employees or any person acting for and on its behalf, from and against all claims or demands for damage, including claims for property damage, personal injury or death, arising on, about or in connection with the easement area, caused directly or proximately by any failure on the part of the Grantee, its successors and permitted assigns, to use and maintain the easement area in accordance with the terms and conditions of this Grant, or arising out of or caused by any act or omission of the Grantee, its successors and permitted assigns.

2. The Grantor reserves unto itself and its successors the full use and enjoyment of the said easement area and to grant to others rights and privileges for any and all purposes affecting the said easement area, provided, however, that the rights herein reserved shall not be exercised by the Grantor or any agent, representative or assign of the Grantor, in such manner so as to interfere unreasonably with the Grantee in the use of said easement area for the purposes for which this easement is granted.

3. Should future development necessitate a relocation of the easement granted herein, or any portion thereof, such relocation shall be accomplished at the cost and expense of Grantee, its successors and permitted assigns; provided, however, that if other lands of the Grantor are available, the Grantor will grant to the Grantee, its successors and assigns, without payment of any monetary consideration, a substitute easement of similar width within the reasonable vicinity of the original alignment, which substitute easement shall be subject to the same terms and conditions as that herein granted and as required by law.

4. All construction of improvements shall be in accordance with such plans and specifications submitted by Grantee to and approved by the Chairperson of the Board of Land and Natural Resources.

5. All improvements placed in or upon the easement area by the Grantee shall be done without cost or expense to the Grantor and shall remain the property of the Grantee and may be removed or otherwise disposed of by the Grantee at any time; provided that such removal shall be accomplished with minimum disturbance to the easement area, which shall be restored to its original condition, or as close thereto as possible, within a reasonable time after removal.

6. Upon completion of any work performed in or upon the easement area, the Grantee shall remove therefrom all equipment and unused or surplus materials, if any, and shall leave the said easement area in a clean and sanitary condition satisfactory to the Grantor.

7. This easement or any rights granted herein shall not be sold, assigned, conveyed, leased, mortgaged or otherwise

transferred or disposed of, directly or by operation of law, except with the prior written consent of the Grantor.

8. The Grantee shall keep the said easement area and the improvements thereon in a clean, sanitary and orderly condition and shall not make, permit or suffer any waste, strip, spoil, nuisance or unlawful, improper or offensive use of said easement area.

9. Grantee shall not construct, place or maintain any building or structure over and upon the easement area.

10. The Grantee covenants for itself, its successors and assigns, that the use and enjoyment of the easement area herein conveyed shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin or a physical handicap.

11. These easement rights shall cease and terminate, and the easement area shall revert to the Grantor, without any action on the part of the Grantor, in the event of nonuse or abandonment by the Grantee, its successors and assigns, of the easement area, or any portion thereof, for a period of one (1) year.


12. Upon termination of these easement rights, the Grantee shall remove, without cost or expense to the Grantor, all improvements placed on the easement area, which shall be restored to its original condition, or as close thereto as possible, to the satisfaction of Grantor.

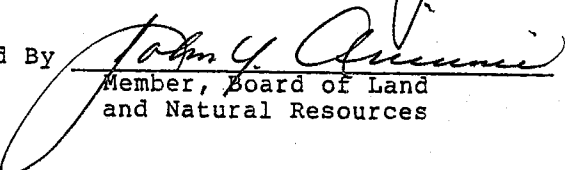
13. The Grantee shall comply with all of the requirements of all municipal, state and federal authorities and observe all municipal ordinances and state and federal statutes, pertaining to the said easement area, now in force or which may hereinafter be in force..

IN WITNESS WHEREOF, the parties hereto have caused this
Indenture to be executed as of the day and year first above
written.

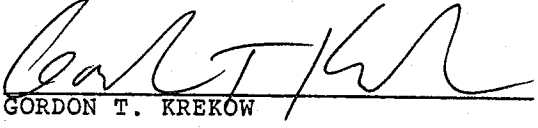
STATE OF HAWAII

Approved by the Board of
Land and Natural Resources
at its meeting held
on June 9, 1983

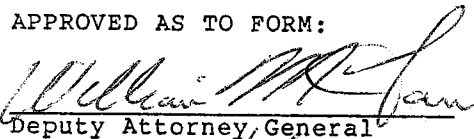
By 
Chairperson and Member
Board of Land and
Natural Resources

And By 
Member, Board of Land
and Natural Resources

GRANTEE


GORDON T. KREKOW

APPROVED AS TO FORM:


Deputy Attorney General

Dated: 10/1/87

STATE OF HAWAII

COUNTY OF MAUI

)
) SS.
)

On this 1st day of MARCH, 19 88,
before me personally appeared GORDON T. KREKOW, to me known to be
the person described in and who executed the foregoing instrument
and acknowledged that he executed the same as his free act and
deed.

Jordan L. Sullivan
Notary Public, State of Hawaii

My commission expires: 2/26/89



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

C.S.F. No. 19,801

HONOLULU

October 11, 1983

PERPETUAL NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT

Mooloa, Honuaula, Makawao, Maui, Hawaii

Being a portion of the Government Land of Mooloa.

Beginning at the east corner of this easement, the northeast corner of Royal Patent 7473, Land Commission Award 2431, Apana 2 to Kiha and on the south side of the Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being 549.28 feet North and 13,631.09 feet East, thence running by azimuths measured clockwise from True South:-

1. 77° 05' 54.90 feet along R.P. 7473, L.C.Aw. 2431, Ap. 2 to Kiha;
2. 186° 30' 31.70 feet along the remainder of the Government Land of Mooloa;
3. 291° 03' 30" 53.50 feet along the south side of the Government Road, to the point of beginning and containing an AREA OF 821 SQUARE FEET.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Joseph M. Matsuno
Joseph M. Matsuno
Land Surveyor

cv

Compiled from map submitted
by R. Sherman, C.S.F. 19,168,
L.F. 510-C and other Govt.
Survey Records.

EXHIBIT "A"
EXHIBIT "D"

PERPETUAL NON-EXCLUSIVE
ACCESS AND UTILITY EASEMENT
Mooloa, Honuaula, Makawao, Maui, Hawaii
Scale: 1 inch = 20 feet

JOB Ma-237(83)
C. BK 5, J. Matsuno

TAX MAP 2-1-05

C. S. F. No. 19801

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT 'B'

MM Oct 11 1985

EXHIBIT "D"

9

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:00MD-657

MAUI

Amend Prior Board Action of February 23, 2001 (Item D-8) Grant of Term, Non-Exclusive Easement to Lawrence A. Lance and Mary C. Lance for Encroachment Purposes; Ahuakeio, Hana, Maui, Tax Map Key: (2) 1-5-5:07 por.

BACKGROUND:

Ms. Johana M. Childhouse is the current owner of Tax Map Key (2) 1-5-5:06. Ms. Childhouse purchased Parcel 6 on May 16, 2001 from Lawrence and Mary Lance. Parcel 6 has an existing single-family residence that encroached onto the adjoining State land identified as Tax Map Key (2) 1-5-5:07. The Land Board at its meeting on February 23, 2001, under agenda item D-8, approved a fifty-five (55) year, term, non-exclusive easement to Mr. and Mrs. Lance for maintenance purposes. (Exhibit A)

However, Mr. and Mrs. Lance were unable to complete the easement prior to the sale of their property to Ms. Childhouse. Staff received payments in July 2001 for \$1,245 (\$30 document fee, \$25 survey fee, \$500 fine, \$690 estimate easement consideration) and in March 2004 for \$960 for the balance due for the easement consideration. The easement area is 250 square feet.

REMARKS:

Ms. Childhouse wishes to consummate the easement approved by the Land Board on February 23, 2001.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Additionally, easements now issued by the State have a provision whereby they "run with the land". The grantee is required to inform his successor of our liability insurance requirement when the easement is sold. This eliminates needless paperwork and time by the Board, staff, Attorney General's office, grantee, private attorneys, escrow companies, etc.

January 13, 2006

RECOMMENDATION: That the Board:

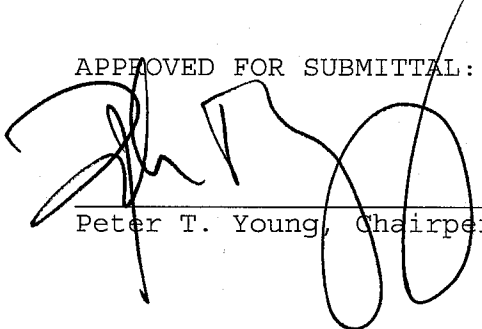
1. Amend its prior action of February 23, 2001, under agenda item D-8 by:
 - A. Replace Lawrence Lance and Mary Lance, as Applicants with Johana M. Childhouse, as Applicant;
 - B. Add a RECOMMENDATION 4 to say: The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 1-5-5:06, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document; and
 - C. Subject to the same terms and conditions approved by the Land Board on February 23, 2001, under agenda item D-8.

Respectfully Submitted,



mt
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

D-8

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 23, 2001

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Maui

Grant of a Term, Non-Exclusive Easement to Lawrence A. Lance
and Mary C. Lance, married, to Address an Encroachment,
Ahuakeio, Hana, Maui, Tax Map Key: (2) 1-5-05:Por. 7

APPLICANT:

Lawrence A. Lance and Mary C. Lance, married, tenants in the
entirety, whose mailing address is P. O. Box 306, Hana, Hawaii
96713. The Lances are the new owners of the adjacent property
(Tax Map Key: (2) 1-5-05:06) upon which an existing single-family
residence encroaches upon State land.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Ahuakeio, Hana, Maui,
identified by Tax Map Key: (2) 1-5-05:Por. 7, indicated as
Easement "A" on the attached map labeled Exhibit A. Plat
No. 1-5-05 is also attached hereto for reference as Exhibit B.

AREA:

113 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

ITEM D-8

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

2/23/01

EXHIBIT "A"

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7213, Terrence and Moira
Sullivan, Permittee, for pasture purposes.

CHARACTER OF USE:

Right, privilege and authority to occupy, maintain and repair the
portion of an existing single-family residence and setback area
which exists on State land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

TERM:

Fifty-five (55) years.

CONSIDERATION:

One-time payment to be determined by independent or staff
appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The proposed use does not differ from the previous use;
therefore, there will be no intensified or expanded use of the
lands. Accordingly, the action is considered to be exempt under
Section 11-200-8(a)(1) of the Hawaii Administrative Rules, and an
environmental assessment and finding of no significant impact are
not required.

DCCA VERIFICATION:

Not applicable. Applicants are individuals.

EXHIBIT "A"

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment;
- 2) Process and obtain subdivision, where necessary, at Applicant's own cost;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department;
- 5) Fulfillment of any and all requirements of the Land Court, where necessary, at Applicant's own cost; and
- 6) Pay \$500.00 as a fine for the encroachment in accordance with Section 171-6(12), Hawaii Revised Statutes.

REMARKS:

The Applicants purchased the adjacent property (TMK: (2) 1-5-05:06) on June 1, 2000. While doing the survey which was required as part of the transaction, it was discovered that a portion of the existing single-family residence on the property encroached upon the adjoining State land (TMK: (2) 1-5-05:07). The former owner/builder of the property commenced construction of the residence in September, 1996 and claims that the encroachment was entirely inadvertent.

As new and current owners, the Applicants approached the State on their own initiative and wishes to legalize the encroachment by a non-exclusive, term easement.

The current tenants of the affected State land, Terrence and Moira Sullivan, started their use under Revocable Permit No. S-7213 after the Lance residence was already in place. They have endorsed the issuance of an easement to the Lances and concur with having their revocable permit continue in effect without amendment.

EXHIBIT "A"

No fencing or other property improvements will need to be relocated as a result of the granting of this easement.


The Applicants have never rented or leased State lands in the past.

RECOMMENDATION: That the Board:

Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to Lawrence A. Lance and Mary C. Lance, married, tenants in the entirety, covering the subject area for the right, privilege and authority to occupy, maintain and repair the portion of an existing single-family residence and setback area which exists on State land, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- 1) The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
- 2) Review and approval by the Department of the Attorney General; and
- 3) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



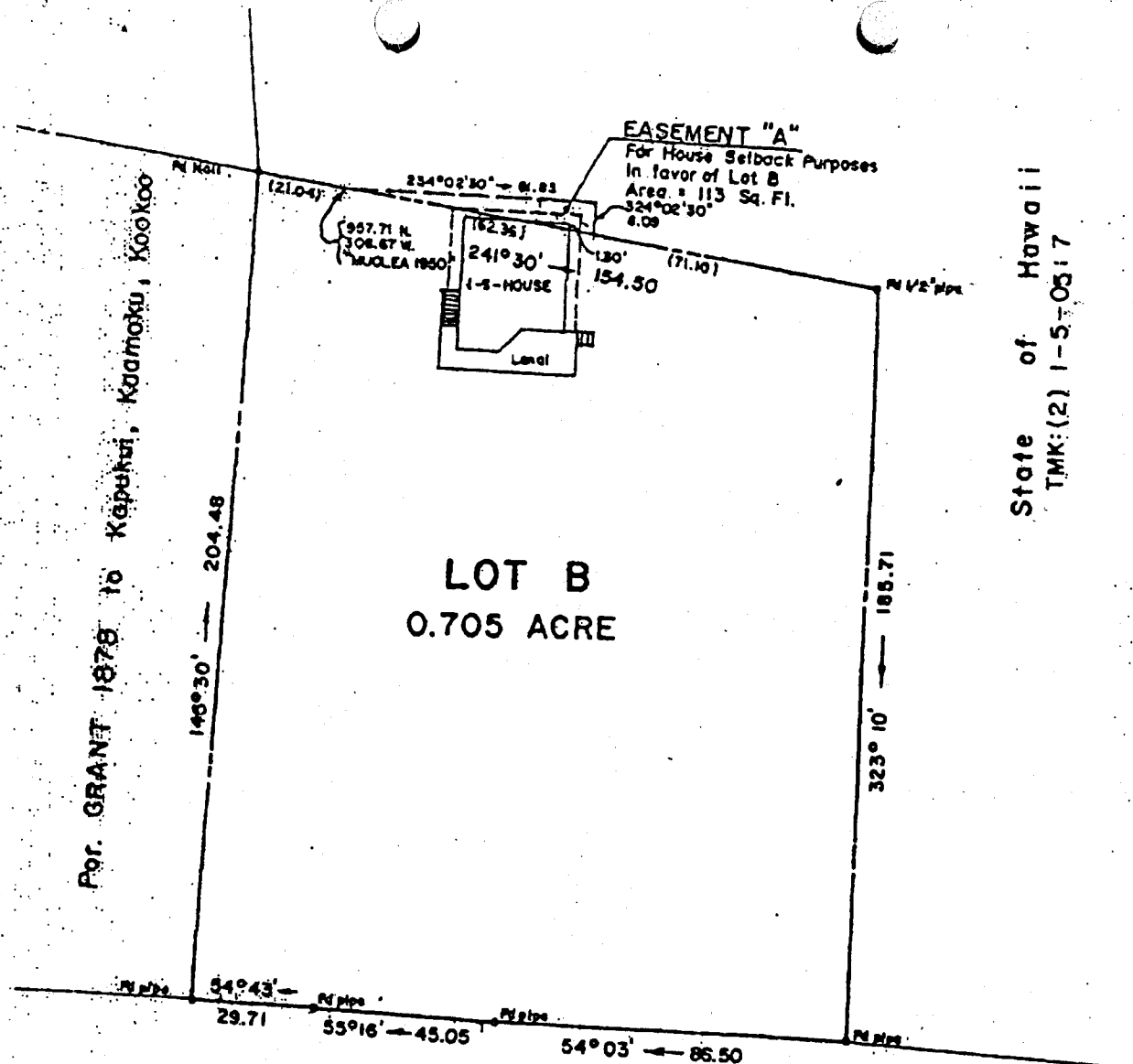
Jason K. Koga
Land Agent

APPROVED FOR SUBMITTAL:



GILBERT S. COLOMA-AGARAN, Chairperson

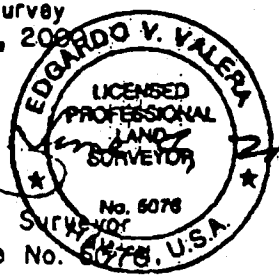
EXHIBIT "A"



GOVERNMENT ROAD
LOT B
LAND COURT APPLICATION 1852
 Portion Grant 2662, Apana 2 to Kamoku
AHUAKEIO, HANA, MAUI, HAWAII

This map is based from a survey performed by me on May 1, 2000
 VALERA, INC.

Edgardo V. Valera
 Edgardo V. Valera
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. 6078
 Land Court Surveyor 216

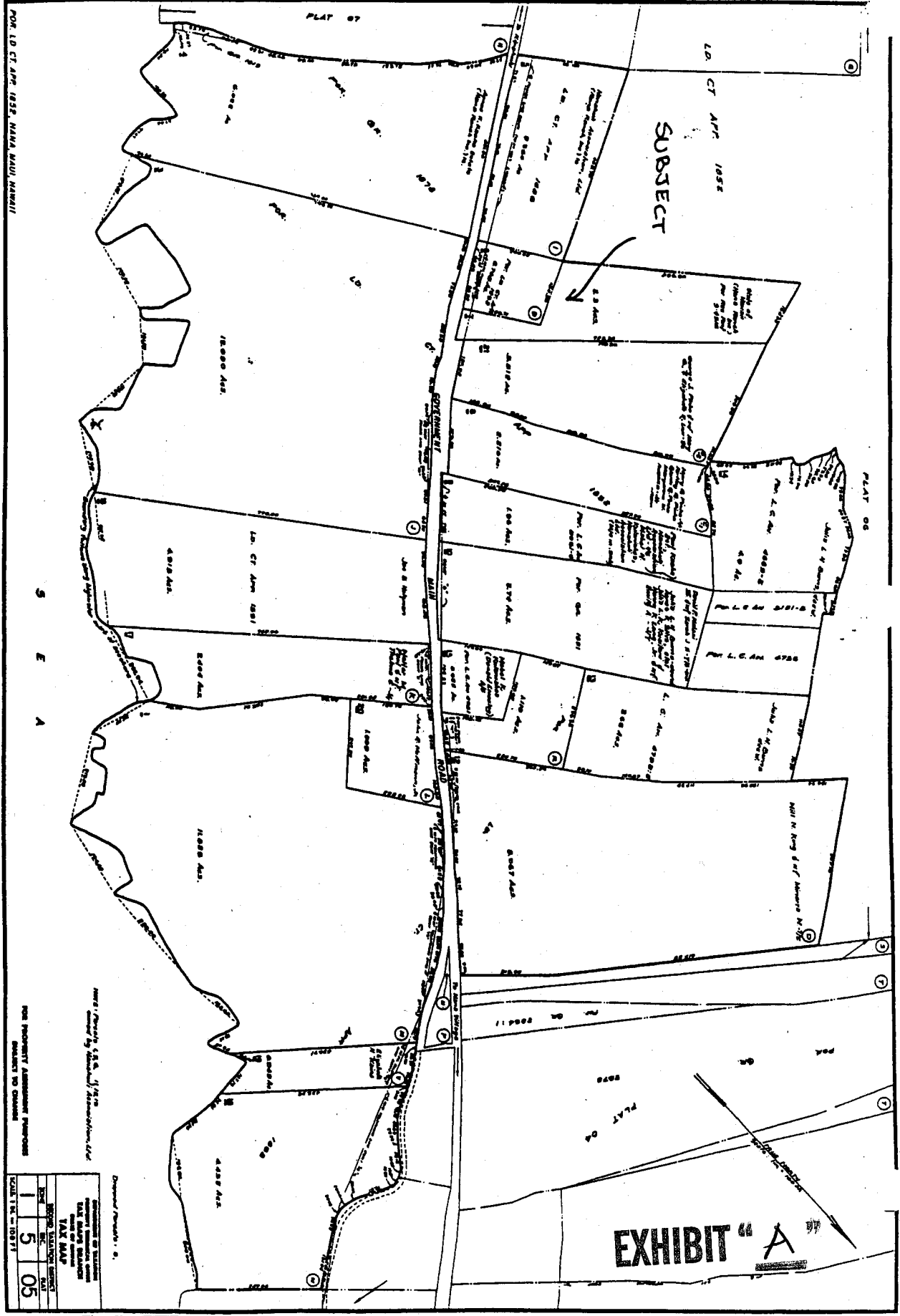


Revision: 10/10/00

TMK: (2) 1-5-05:06

EXHIBIT "A"

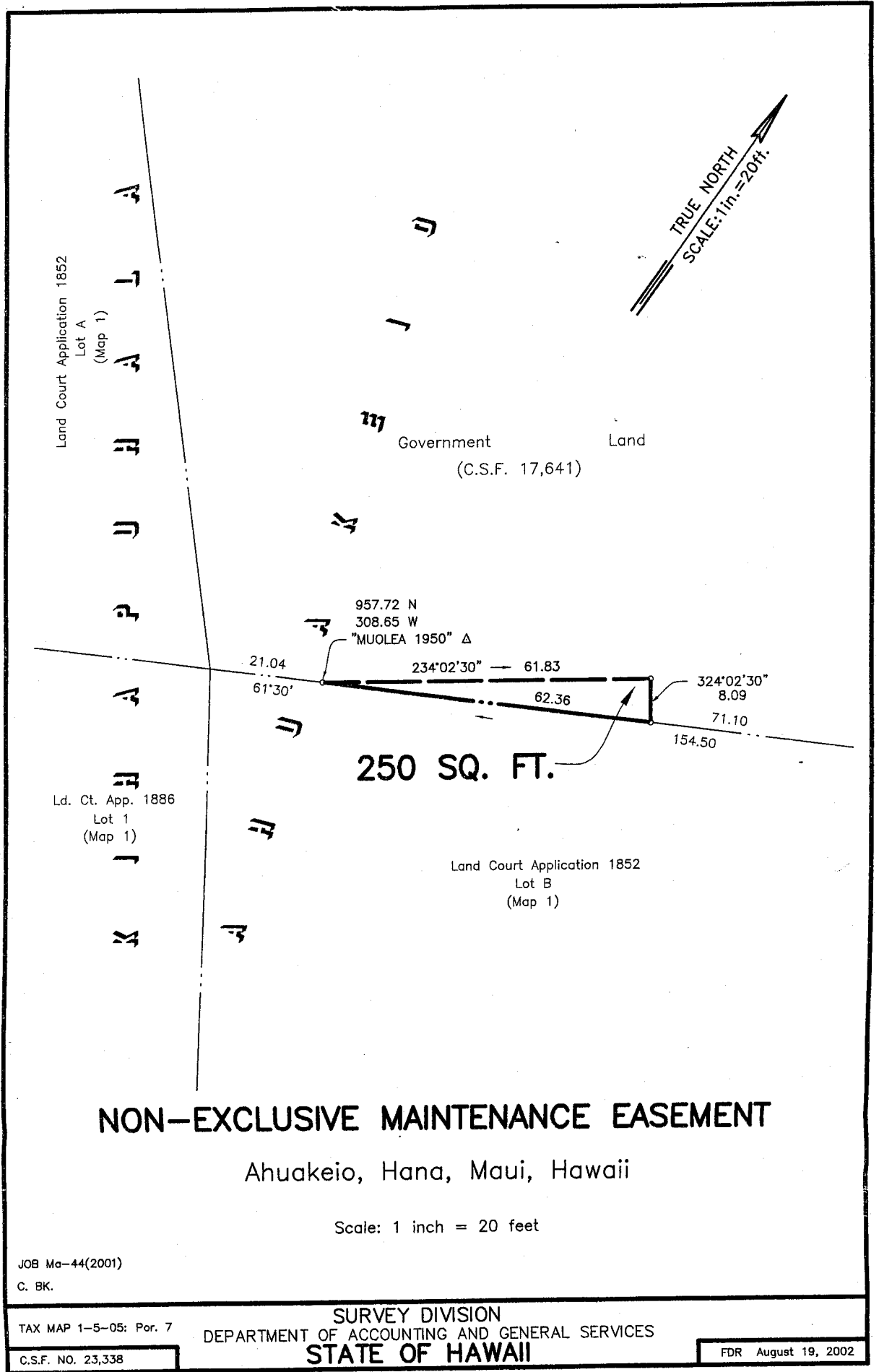
EXHIBIT A



THE PROPERTY ASSUMPTION PROGRAM
 SUBJECT TO CHANGE

PROPERTY TAX MAP	
LOT	AREA
1	5.05

TOTAL 1.05



NON-EXCLUSIVE MAINTENANCE EASEMENT

Ahuakeio, Hana, Maui, Hawaii

Scale: 1 inch = 20 feet

JOB Ma-44(2001)

C. BK.

TAX MAP 1-5-05: Por. 7

C.S.F. NO. 23,338

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

FDR August 19, 2002

EXHIBIT A

10

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04MD-239

Maui

Grant of Term, Non-Exclusive Easement to Snowed Inn Hostelry, Inc. for Seawall and Filled Land Purposes, Kahana, Lahaina, Maui, Tax Map Key: (2) 4-3-019: seaward of 047.

APPLICANT:

Snowed Inn Hostelry, Inc. a Utah corporation whose business and mailing address is 3173 Carrigan Canyon, Salt Lake City, Utah 84109.

LEGAL REFERENCE:

Section 171-13 and -53(b), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located seaward of 4591 Lower Honoapiilani Road, Kahana, Lahaina, Maui identified by Tax Map Key: (2) 4-3-019: seaward of 047, as shown on the attached map labeled Exhibit A.

AREA:

3,300 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Unencumbered with encroachments.

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair, replace and remove existing seawall, stairs and filled area over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

55 years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on December 23, 2003 with a finding of no significant impact (FONSI).

On February 27, 2004, the BLNR approved a CDUA for the after-the-fact rock revetment and improvements. File No. MA-3171. (Exhibit B)

DCCA VERIFICATION:

Place of business registration confirmed:	YES	_____	NO	_____
Registered business name confirmed:	YES	_____	NO	_____
Applicant in good standing confirmed:	YES	_____	NO	_____

Applicant not registered in Hawaii, merely owns the adjacent residential property parcel 47.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial rent/one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Remove any barriers upon (e.g. gates, no-trespassing signs, and planter box for landscaping) or improvements to, the seawall that prohibits safe public access across State owned land or that creates the impression that the seawall is privately owned.

REMARKS:

An application for the use of State lands for a rock revetment (seawall) was received by MDLO on August 16, 2004..

Prior to 1977, a rock revetment and fill area was constructed fronting the subject property without a permit from the State. This action created 2,655 square feet of "reclaimed" Government land. This parcel of "reclaimed" Government land was purchased by Quitclaim Deed from the State of Hawaii and was consolidated with the upland parcel, TMK (2) 4-3-019:047, effective November 10, 1980.

However, the unpermitted rock revetment was not included with the Quitclaim Deed.

In June 2001, a thin protective coating of gunite was applied to prevent the existing rock revetment from breaking down. The applicant also increased the height of the seawall by sixteen inches by placing two courses of CMU blocks to create a planter box on top of the seawall. The rock revetment is utilized to prevent erosion of private property. The planter and related landscaping appears to have been installed for aesthetic purposes, however, it reduces lateral access on and across State owned land.

The rock revetment was built on State submerged lands, which is located within the Resource subzone of the Conservation District.

The subject encroachment constituted a Conservation District violation. As a result, a letter from the Land Division was issued on April 26, 2002, to the agent for the applicant requesting, to resolve this Conservation District violation through the Hearing Officer/Administrative Penalty System (HOAPS). The applicant agreed to resolve the matter through HOAPS, a fine was paid, and the case was disposed of under HOAPS on June 27, 2002.

The DLNR Land Division solicited comments related to the subject request on July 20, 2005 and their statements are listed below:

DHHL	No response
DLNR, Conservation District Planning	No response
County of Maui, Planning	See below
County of Maui, Public Works	No comment
OHA	No comment

The County of Maui, Department of Planning responded to the request for comments in a letter dated October 11, 2005. Comments included the need to establish the legality of the seawall prior to issuance of an easement and any improvements to the seawall; such as no-trespassing signs, planter boxes and/or landscaping, that prohibits access or creates the impression that the seawall is private property, should be removed.

Pursuant to the Board's action of June 28, 2002, under agenda item

D-17 that established criteria for imposing fines for encroachments, staff is recommending a fine of \$500 as the subject encroachment is over 100 square feet.

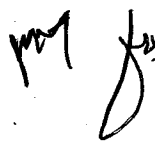
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

1. Impose a \$500 fine for illegal encroachment, under Section 171-6(12).
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (2) 4-3-019:047, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to Snowed In Hostelry, Inc. covering the subject area for seawall purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current term shoreline encroachment easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 4-3-019:047, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - E. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement.
 - F. Compliance with terms and conditions approved by the Land Board at its meeting of February 27, 2004, under agenda Item D-8 for CDUA #MA-3171.

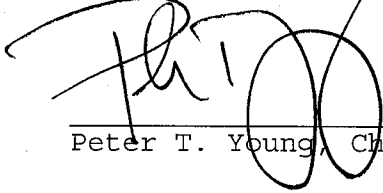
January 13, 2006

Respectfully Submitted,

 Charlene E. Unoki

Daniel Ornellas
District Land Agent

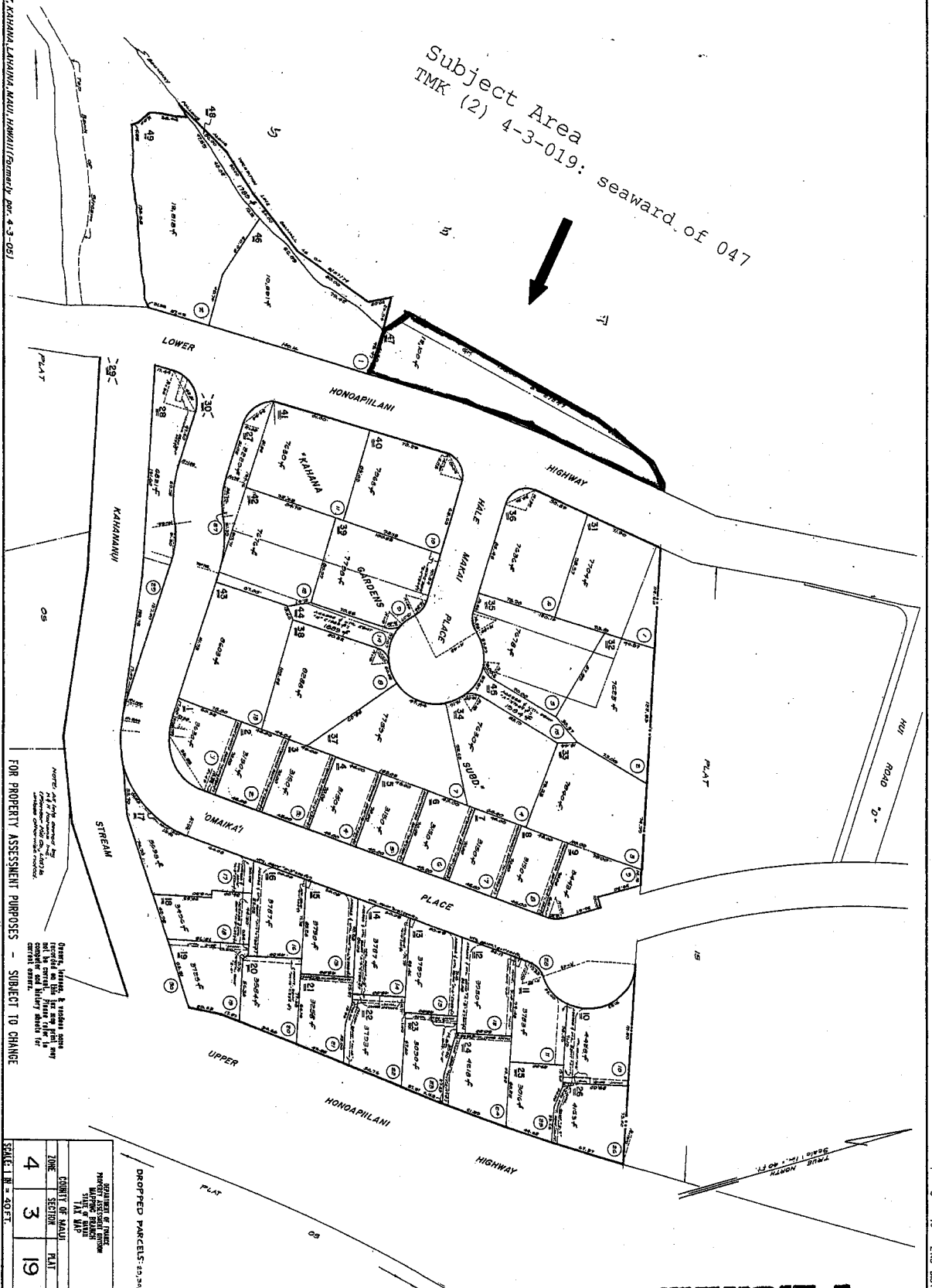
APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

"KAHAMANUI VILLAGE", P.P. 2107, KAHAMANUI, MAUI, HAWAII (Formal) Doc. 4-3-061

Subject Area
 TMK (2) 4-3-019: seaward of 047



Notes: 1. The map shows the
 proposed subdivision of the
 subject area into 49 parcels.
 2. The map shows the
 proposed subdivision of the
 subject area into 49 parcels.
 3. The map shows the
 proposed subdivision of the
 subject area into 49 parcels.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

ZONE	SECTION	PLAT
4	3	19

DROPPED PARCELS: 10, 20, 30, 40

EXHIBIT A

MAR 05 2004

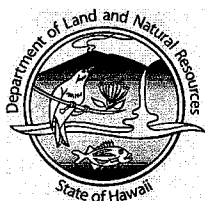
LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER



RECEIVED
LAND DIVISION

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

2004 MAR 15 A 10:03

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

File No. MA-3171

MAR - 4 2004

Mr. Mich Hirano
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Maui 96793

Dear Mr. Hirano,

This is to inform you that on February 27, 2004, the Board of Land and Natural Resources (BLNR) approved your client's Conservation District Use Application for the After the Fact Rock Revetment and Improvements located at 4591 Honoapiilani Road, Kahana, Lahaina, island of Maui, TMK:(2) 4-3-019:047 subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments and the applicable parts of Section 13-5-42, Hawaii Administrative Rules;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
4. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
5. In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or

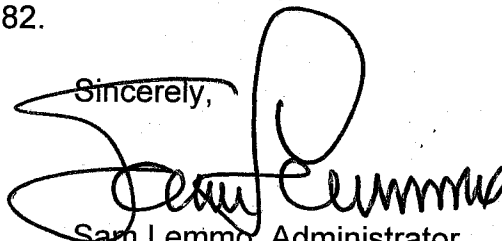
EXHIBIT "B"

revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

6. The applicant acknowledges that the approved permit for an after-the-fact loose rock revetment shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
7. The applicant shall obtain a land disposition from the Maui District Land Agent for the use of State land;
8. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, within thirty (30) days of the Board's action;
9. Other terms and conditions as may be prescribed by the Chairperson;
10. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

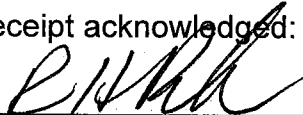
Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Tiger Mills at 587-0382.

Sincerely,



Sam Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:



Applicant's Signature

Date

MARCH 9-2004

cc: Chairperson
Maui Board Member
Maui Land Agent
DOH/ENG
County of Maui, Department of Planning
County of Maui, Department of Public Works

EXHIBIT "B"

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resource
State of Hawaii
Honolulu, Hawaii

PSF# 05OD-221

Oahu

Re-submittal - Acquisition of a Perpetual, Non-Exclusive Subsurface
Communication Easement from the City and County of Honolulu, and Set Aside
to the Department of Accounting and General Services; Mililani Street,
Honolulu, Oahu, Tax Map Key: (1) 2-1-025:04 (Portion of adjacent roadway).

APPLICANT AGENCY:

Department of Land and Natural Resources for the Department of Accounting and
General Services.

LANDOWNER:

City and County of Honolulu, whose business and mailing address is 650 South King
Street, 11th Floor, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Sections 107-10, 171-11 and 171-30, Hawaii Revised Statutes, as amended, and
Chapter 101, HRS, as may be necessary.

LOCATION:

Mililani Street, Honolulu, Oahu, Tax Map Key: (1) 2-1-025:004 (Portion of Adjacent
Roadway), as shown on the attached maps labeled Exhibits "A" and "B".

AREA:

125 Square feet, more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: Community Business District (B-2)

CONSIDERATION FOR EASEMENT:

\$2,175 to be paid by the developer, Par Development, LLC.

PURPOSE:

Perpetual, non-exclusive subsurface communication easement purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The acquisition of the subject easement, in accordance with the "Division of Land Management's Environmental Impact Statement Exemption List" approved by the Environmental Council and dated April 28, 1986, is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

The set aside action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

DAGS shall be required to:

- 1) Process and obtain subdivision at their own cost; and
- 2) Process and obtain a State CSF Map through their Survey Division and at their own cost.

REMARKS:

(This submittal was deferred by the Land Board at its meeting on October 28, 2005, under Item D-12, due to staff concerns that the City and County of Honolulu (City) was charging the State for this easement. However, according to a representative of the Department of Accounting and General Services, the former property owner (Par Development, LLC) is paying for the easement. Therefore, this request is being re-submitted to the Land Board).

By Land Office Deed No. S-28-694, dated October 13, 2004, the State acquired an approximate 70% undivided interest in the property referred as the "DCCA Office Building Site," and further identified as Tax Map Key: (1) 2-1-025:Portion of 04, from

Par Development, LLC, including land and building. The U.S. Postal Service retained the remaining 30% for their existing Downtown Post Office.

At its meeting on January 11, 2002, under item D-28, the Land Board approved a set aside of the State's interest in the above property to the Department of Accounting and General Services (DAGS) for State office purposes to be used by the Department of Commerce and Consumer Affairs (DCCA) (See Exhibit "C"). The execution of the set aside to DAGS is pending the execution and recordation of the condominium documents to create a Condominium Property Regime, which will determine and formalize the State's common interest in the property.

In the interim, the developer is continuing to work on a renovation punch-list and is requesting the Land Board's approval to acquire a subsurface communication easement from the City and County of Honolulu (City) that will accommodate DCCA's office needs. The easement will run through a section of Mililani Street, between Queen and King Streets, and is further described in the attachments labeled Exhibits "A" and "B".

DAGS will be responsible for maintaining the easement, whereby a set aside of said easement will be necessary once it's acquired by the State. Staff is requesting to incorporate this set aside with the pending Governor's Executive Order setting aside the "DCCA Office Building Site" to DAGS.

No agency or community comments are necessary for this request.

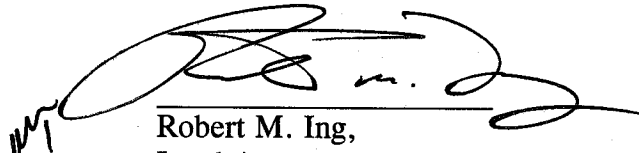
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition to acquire the subject Perpetual Non-Exclusive Subsurface Communication Easement as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the acquisition of the subject Perpetual Non-Exclusive Subsurface Communication Easement under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. Review and approval by the Department of the Attorney General;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject Perpetual Non-Exclusive Subsurface Communication Easement to the Department of Accounting and General Services for Utility Easement Purposes, to be included with the executive order setting aside the

"DCCA Office Building Site" that was approved by the Land Board at its meeting on January 11, 2002, under item D-28, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

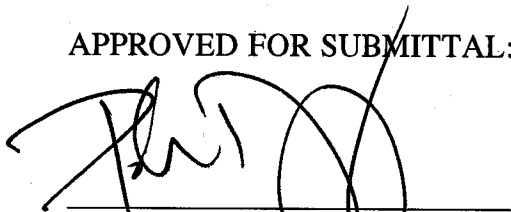
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

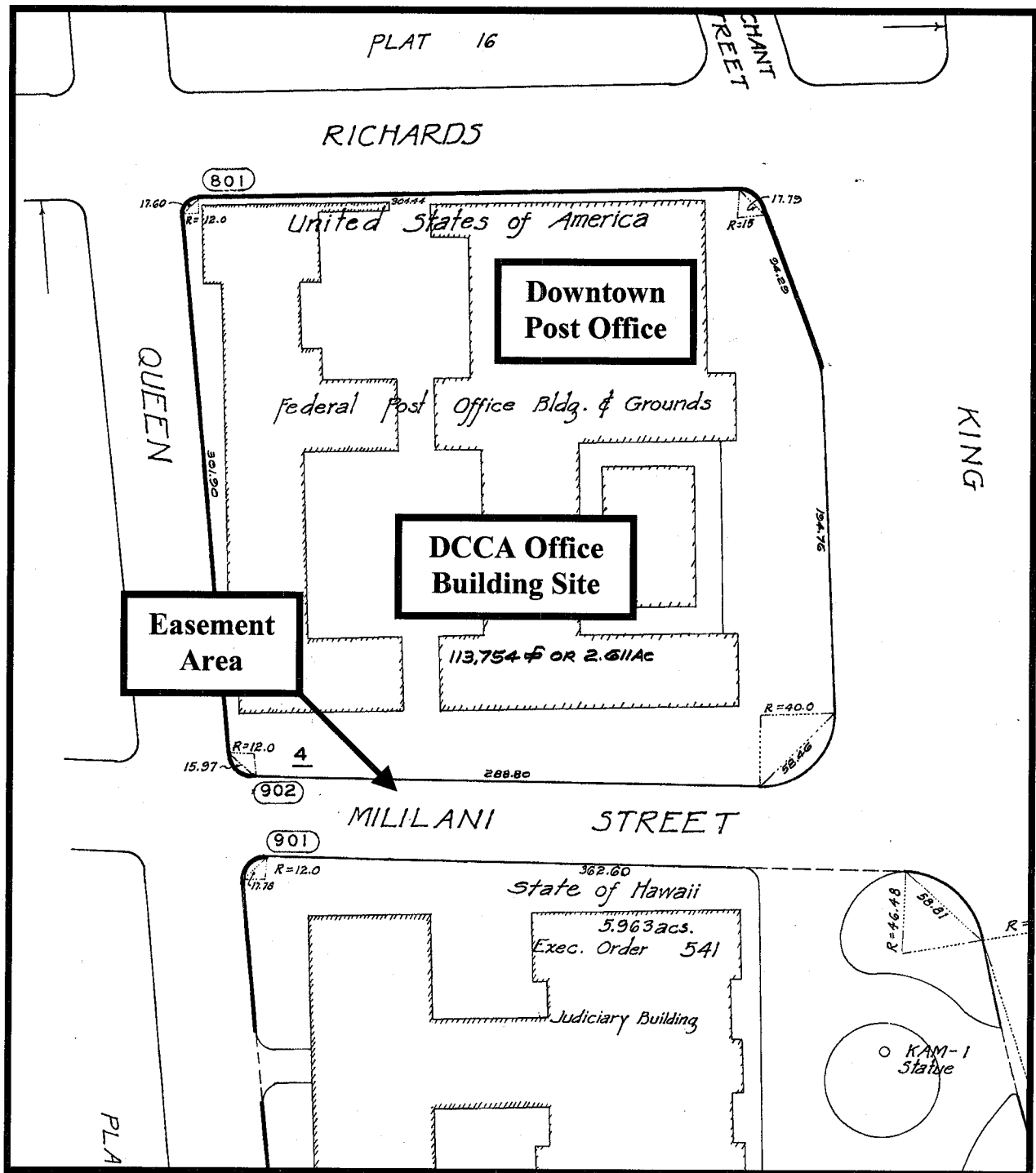


Robert M. Ing,
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



Acquisition of a Subsurface Communication Easement and Set Aside to DAGS
(Mililani Street)

TMK: (1) 2-1-025:Portion of 04(Roadway)

EXHIBIT "A"

EXHIBIT

United States Federal Post Office Building and Grounds

TMK: 2-1-25:04

And

R.P. 145, L.C.A. 145, to NOKOCHOO for KALIKINI

TRUE NORTH
Scale: 1" = 20'

Queen Street (City)

EASEMENT C-1 (2.5 ft. Wide)
For Communication Purposes
125 Sq. Ft.

MILLANI

STREET

(City)

To King Street

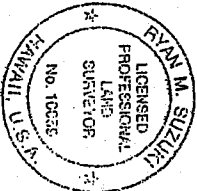
State of Hawaii
(Governor's Executive Order 541)
TMK: 2-1-25:03

Owner: City and County of Honolulu
Address: 650 South King Street
Honolulu, Hawaii 96813

R.M. Towill Corporation

Notes:
Azimuths and Coordinates are referred to
Government Survey Triangulation Station
"PUNCHBOWL".
Easement C-1 (2.5 feet wide) for Communication
Purposes, in favor of the State of Hawaii,
Department of Commerce and Consumer Affairs.
Area=125 Sq. Ft.

Designation of Easement C-1 (2.5 feet wide)
Across Millani Street between Queen Street
and King Street
Honolulu, Hawaii, Oahu



R.M. Towill Corporation
Ryong W. Suh
Licensed Professional Land Surveyor
Certificate No. 10059

EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 11, 2002

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Authorization to Purchase Interest in the
U.S. Post Office – Downtown Station, Land and Building, by Condominium Property Regime,
and Set Aside to the Department of Accounting and General Services, for State Offices,
situate at Honolulu, Oahu – Tax Map Key (1) 2-1-25: Portion of 4

STATUTE: Sections 171-30 and 171-11 Hawaii Revised Statutes, as amended.

APPLICANT: Department of Accounting and General Services, on behalf of the Department of
Commerce and Consumer Affairs

LAND OWNER: The United States Postal Service

LOCATION: U.S. Post Office – Downtown Honolulu Station, 335 Merchant Street, Honolulu,
Oahu – Tax Map Key: (1) 2-1-25: Portion of 4, as shown on the attached map,
labeled Exhibit A.

AREA: Approximately 2/3 interest, more or less, (subject to final negotiations between
DAGS and the U.S. Postal Service) of the land and building which occupies Parcel 4,
which is 113,754 s.f. or 2.611 acres, more or less, area to be confirmed by DAGS,
State Survey

ZONING: State Land Use Commission: Urban
City & County of Honolulu CZO: B-2 Community Business District

CURRENT USE
STATUS: U.S. Post Office – Downtown Honolulu Station

PURPOSE: State Offices

CONSIDERATION: To be determined by independent appraisal, subject to review and approval by the
Chairperson.

FUNDING SOURCE: DCCA's Special Funds for FY 2002 and FY 2003.

ENVIRONMENTAL
REQUIREMENTS: In anticipation of the State's acquisition of the property, DAGS has contacted agents
and consultants regarding certain due diligence studies, covering environmental
assessment, hazardous materials, etc. Inasmuch as the Chapter 343 environmental
requirements apply to Applicant's use of the lands, the Applicant shall be responsible
for compliance with Chapter 343, HRS, as amended.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

January 11, 2002. *nm*

EXHIBIT "C"

ITEM D-28

APPLICANT

REQUIREMENTS: Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Process and obtain any necessary subdivisions at own cost;
- 3) Provide survey maps and descriptions, according to DAGS State Survey standards, at own cost;
- 4) Obtain a title report to ascertain ownership and encumbrances, where necessary, at own cost, and subject to review and approval by the Department; and
- 5) Obtain a Phase I hazardous waste environmental site assessment, at own cost, and subject to review and approval by the Department.

REMARKS:

The Department of Commerce and Community Affairs (DCCA) currently occupies the 9-story Princess Victoria Kamamalu building at 1010 Richards Street/250 South King Street. Due to old age, the building contains deteriorating asbestos, inadequate electrical wiring and power, and an elevator and air conditioning system, in much need of repair. DCCA has informed DAGS that these conditions have caused inconvenience to both the general public and staff, have hindered department operations, and have made continued occupancy undesirable. Due to these building deficiencies and planned major renovations, DCCA has requested relocation to another facility.

DCCA is interested in relocating to the Downtown Honolulu Post Office station.

The U.S. Postal Service has been attempting to sell the building, but is requiring that the post office retain a perpetual right to remain at the downtown site. At present, DAGS is in negotiations with the post office, through their agent, CB Richard Ellis, as to what areas of the land and building will be retained for use by the post office, what areas will be reserved for post office expansion, and what areas will be acquired for use by the State. Negotiations for the acquisition have included discussions covering either a straight purchase or a lease with option to purchase. Based on recent discussions, the creation of a condominium property regime may be the only way to accommodate the landowner's requirement, to continue use of the site into perpetuity.

Subject to final negotiations, the landowner and DAGS will share in the cost of processing the condominium property regime for the subject land and building. This process will separate what office areas will go to the State, what office areas will go to the post office, and what land and common areas that both will have an undivided interest.

Funding for the independent appraisal report, will come from DCCA's operating funds for FY 2002. DCCA's special funds, in the amount of \$27 million are being incorporated into DCCA's Supplemental Budget in anticipation of an outright purchase of the condominium interest, and subsequent renovations to the building. DAGS has informed us that this budget can be adjusted during the Legislative session, pending negotiations for acquisition of the property.

Discussions so far have indicated that the post office will retain use of the basement (Exhibit B), and the majority of the ground floor (Exhibit C). The State would acquire part of the ground floor (Exhibit C) and all of the second and third floors (Exhibits D and E), and a few rooms in the towers at levels four, five, and six (Exhibits F, G, and H). However, further negotiations may expand DAGS or post office usage of the various areas. DAGS has indicated that it may put electrical and air conditioning equipment in the post office expansion area in the basement. Land areas involving parking, public use, etc. are also still under negotiations. The approximately 2/3 interest, more or less, mentioned earlier is just a rough estimate. The actual percentage interest will be determined once negotiations involving square footage and acreage of areas used by the State and the post office are finalized.

At this time, DAGS has requested that we begin the independent appraisal process, subject to the Land Board's approval of the acquisition.

Initially, DAGS had planned to acquire a site outside of the downtown area. DCCA prefers to move to a location within the downtown area.

However, should negotiations for the post office acquisition fall through, DAGS has informed us that they may lease the office space in the post office building for DCCA until such time that an alternate site is located and acquired. Relocating DCCA back to the Kamamalu building following the major building renovations, is also an option.

Although negotiations are still ongoing, DAGS has requested that we present this acquisition request to the Land Board for its consideration, at this time.

RECOMMENDATION:

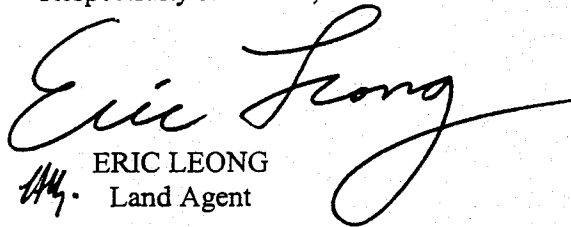
That the Board:

1. Authorize the fee simple acquisition of the subject land and building, subject to the terms and conditions previously listed, which are by this reference incorporated herein and subject further to the following terms and conditions:
 - A. The landowner shall convey the land to the State of Hawaii, by Deed, free and clear of any unwanted liens and encumbrances;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Upon determination of areas, property, and improvements, to be acquired by the State of Hawaii, and retained by the U.S. Postal Service, authorize initiation of the independent appraisal process;
3. Upon acquisition of the property, approve of and recommend to the Governor the issuance of an executive order setting aside the subject land and building to the Department of Accounting and General Services, for State Offices, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;

January 11, 2002

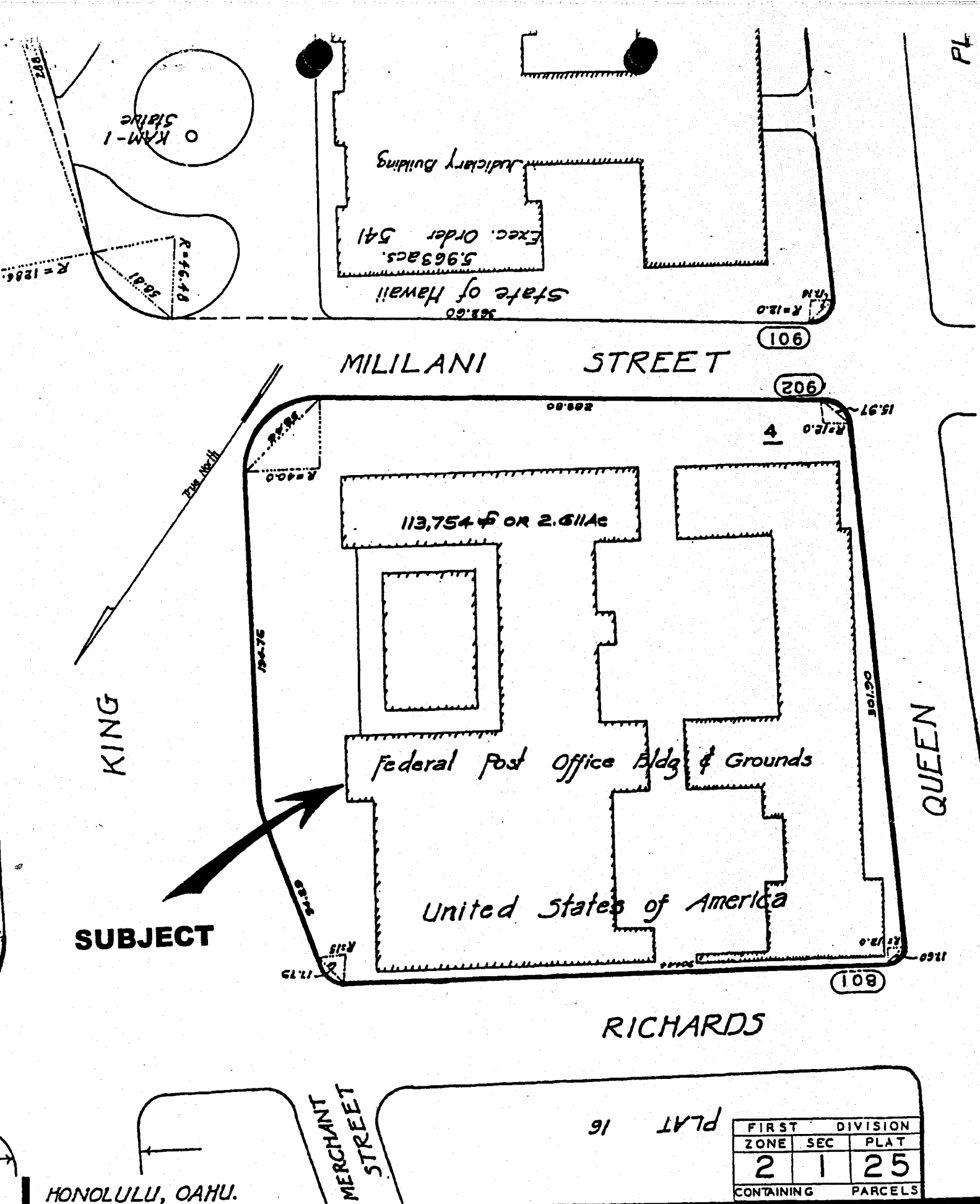
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,


ERIC LEONG
Land Agent

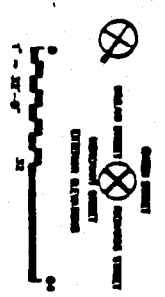
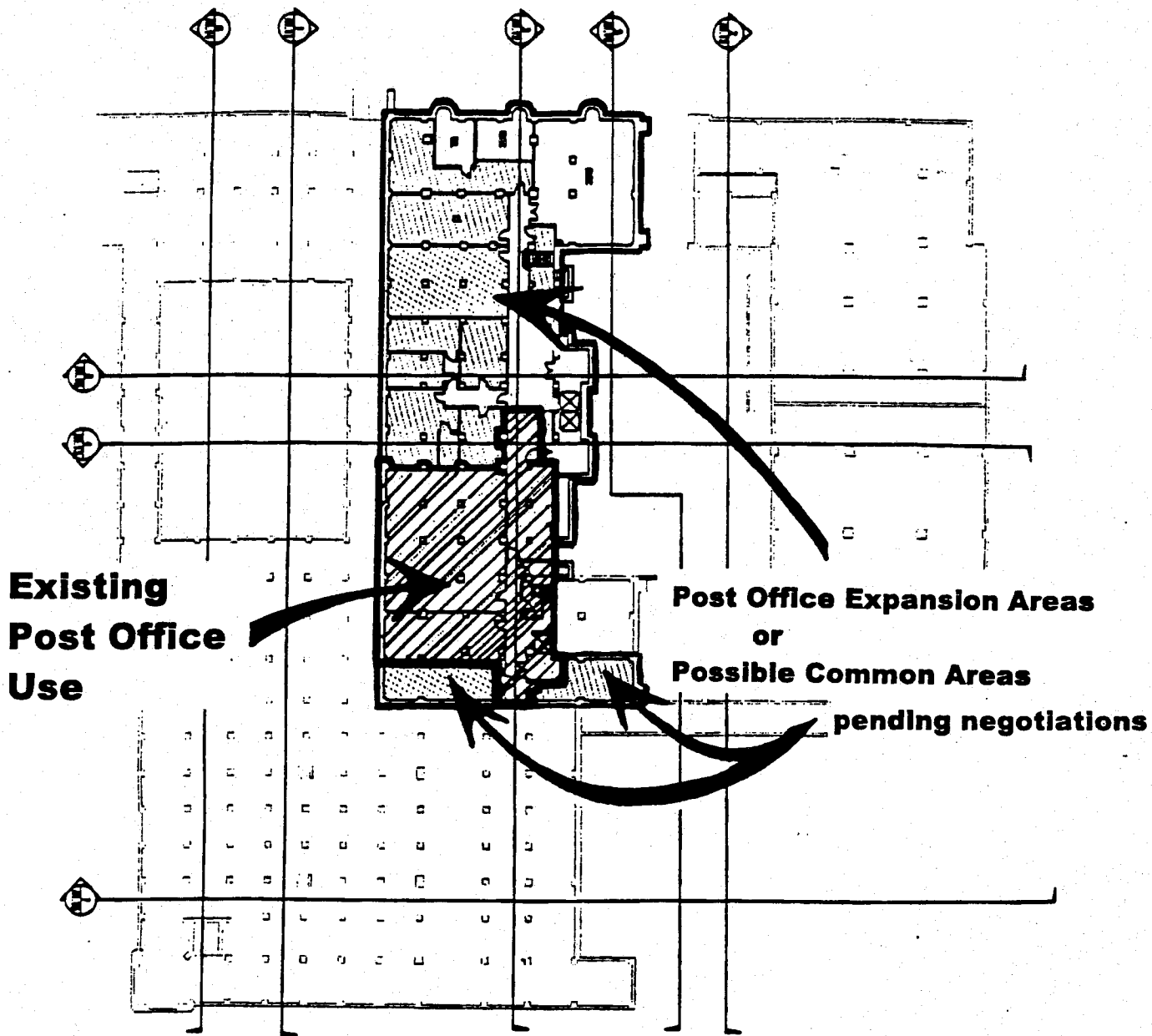
APPROVED FOR SUBMITTAL:


GILBERT S. COLOMA-AGARAN, Chairperson



FIRST DIVISION		
ZONE	SEC	PLAT
2	1	25
CONTAINING		PARCELS

EXHIBIT A



Basement

10040001.1100 00000000.dwg

01 AUG 1984

FEASIBILITY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
HONOLULU, HAWAII

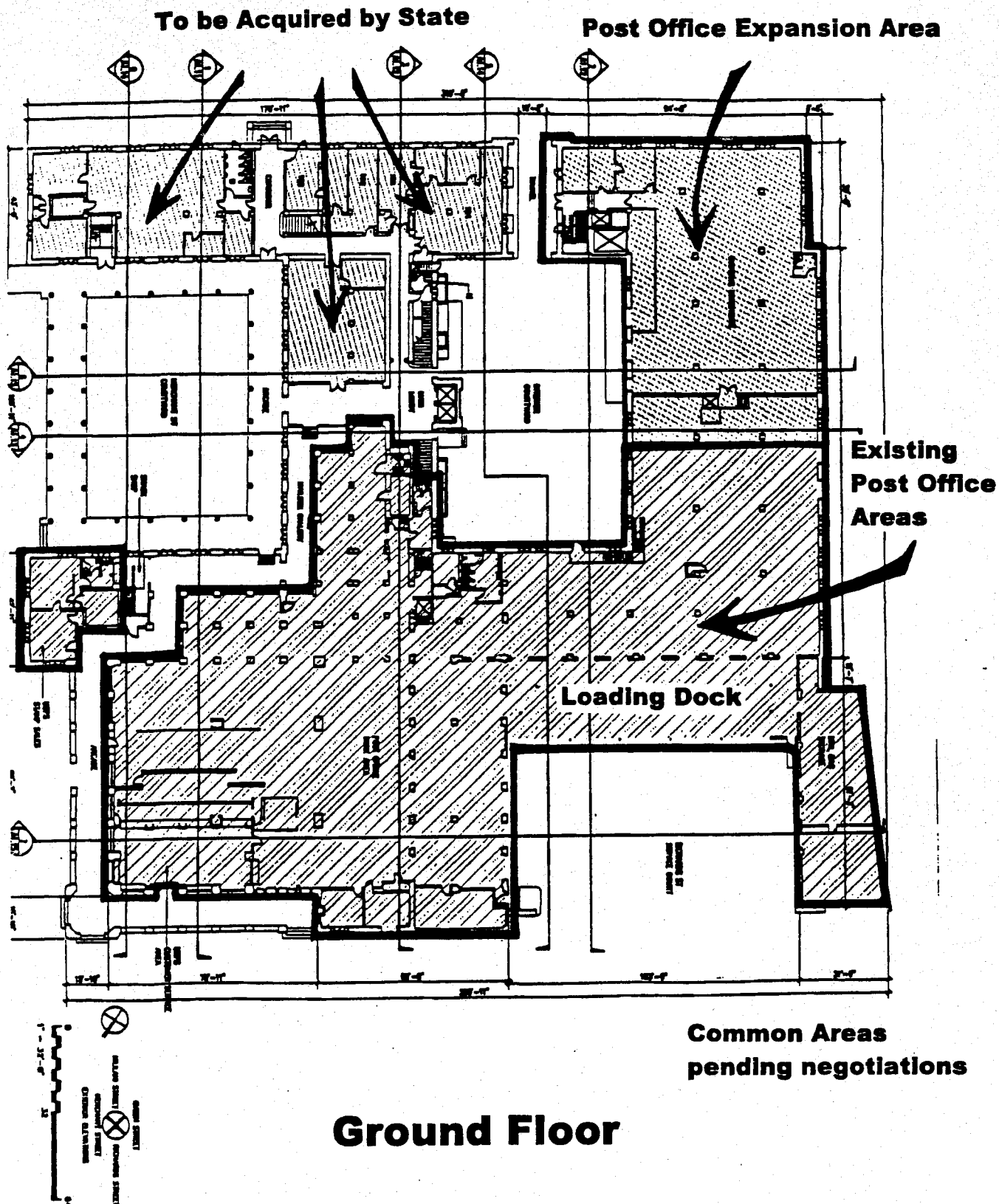
BASEMENT LEVEL
FLOOR PLAN
EXISTING CONDITIONS

A1.2

CDS

CDS INTERNATIONAL

EXHIBIT B



Ground Floor

040201.1157 floor1.dwg

01 AUG 1994

FEASIBILITY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
HONOLULU, HAWAII

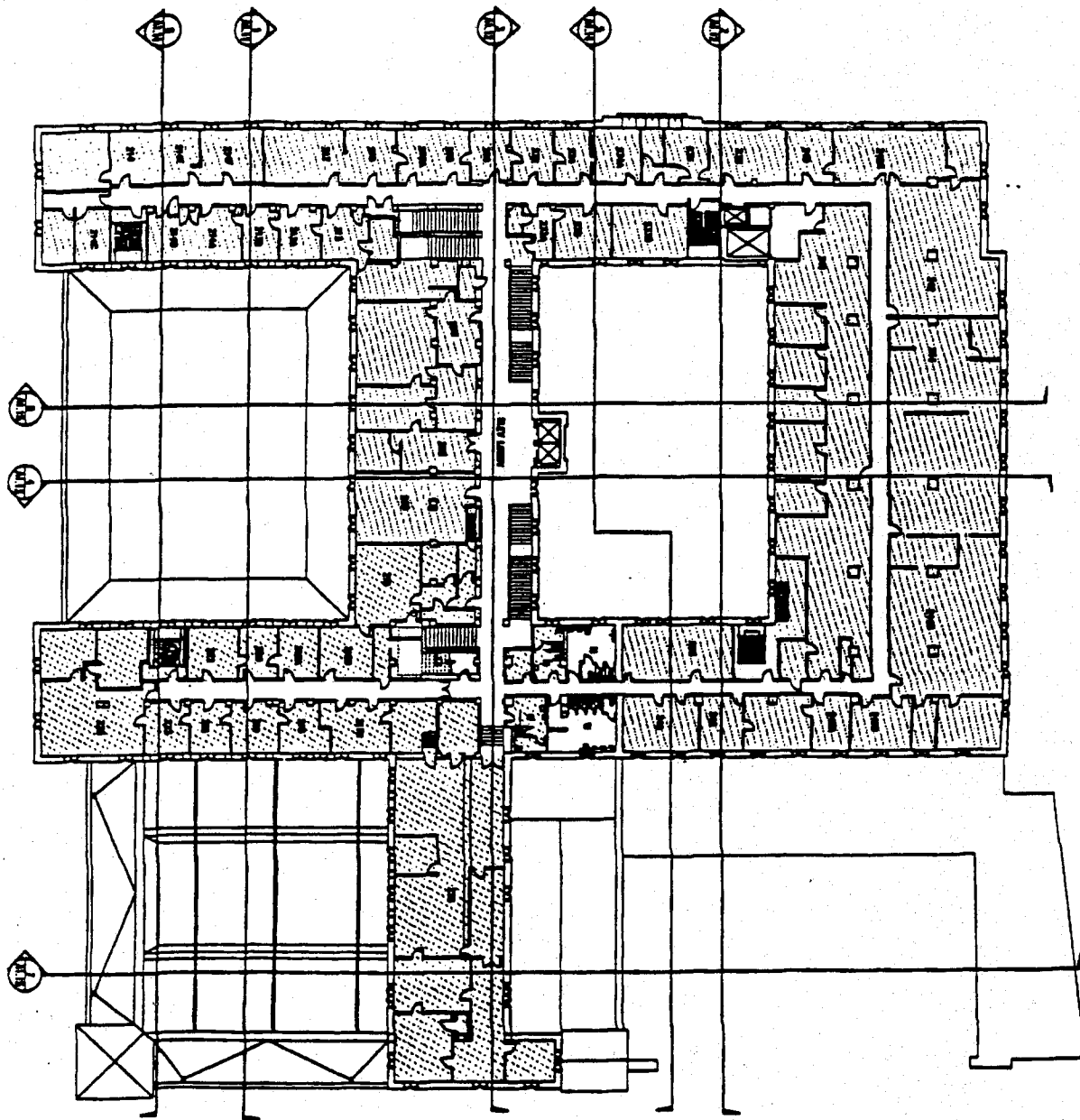
LEVEL 1
FLOOR PLAN
EXISTING CONDITIONS

A1.3

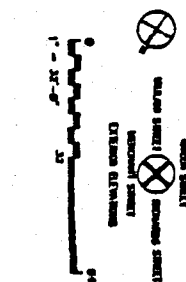
CDS

CDS INTERNATIONAL

EXHIBIT C



2nd Floor



10040801.1201 Rev 2.dwg

01 AUG 1984

FEASIBILITY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
HONOLULU, HAWAII

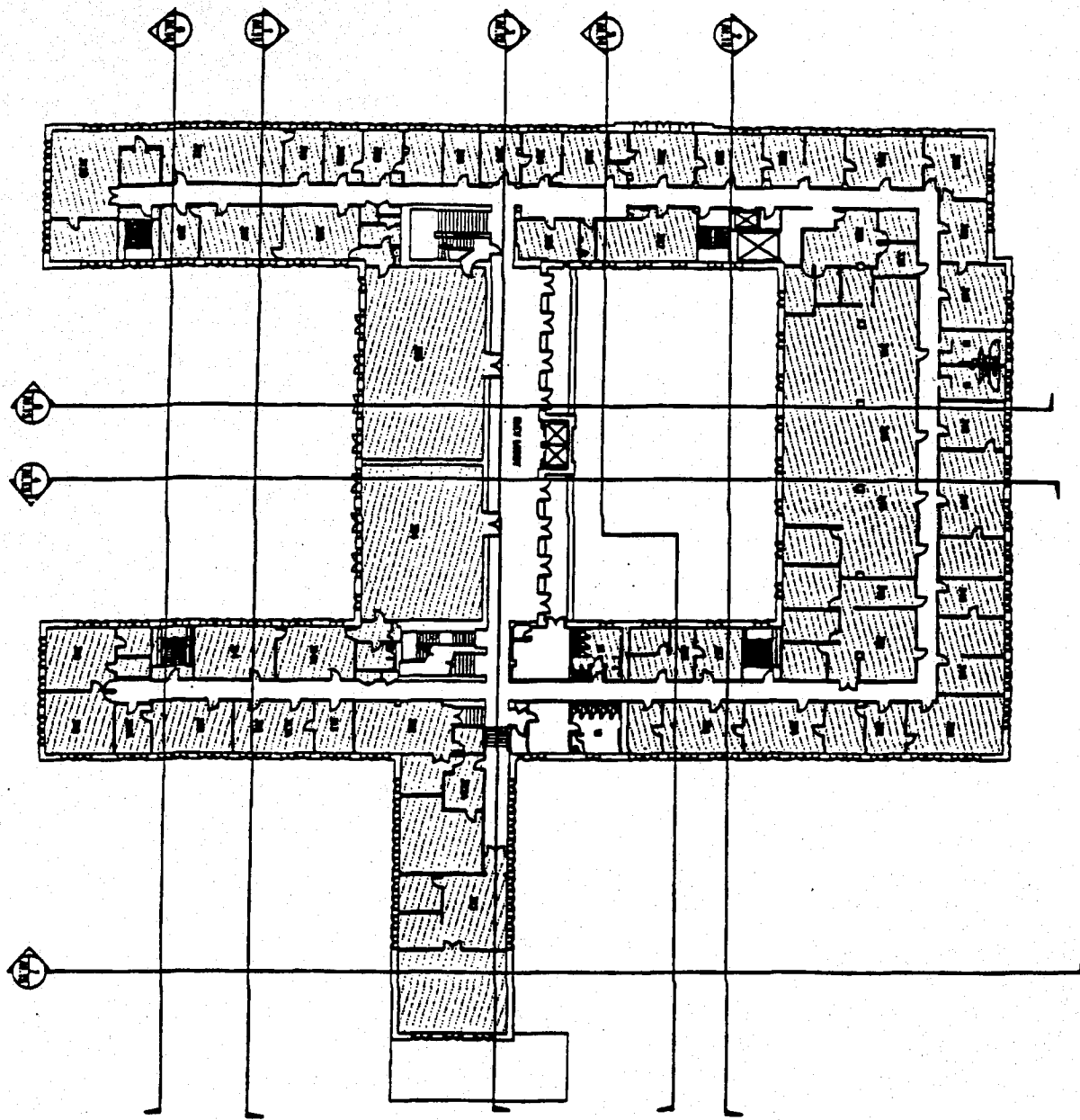
LEVEL 2
FLOOR PLAN
EXISTING CONDITIONS

A1.5

CDS

CDS INTERNATIONAL

EXHIBIT D



3rd Floor



19940801.1204 Rev.1.dwg

01 AUG 1994

PRELIMINARY STUDY FOR THE RENOVATION OF
 U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
 BIRMINGHAM, ALABAMA

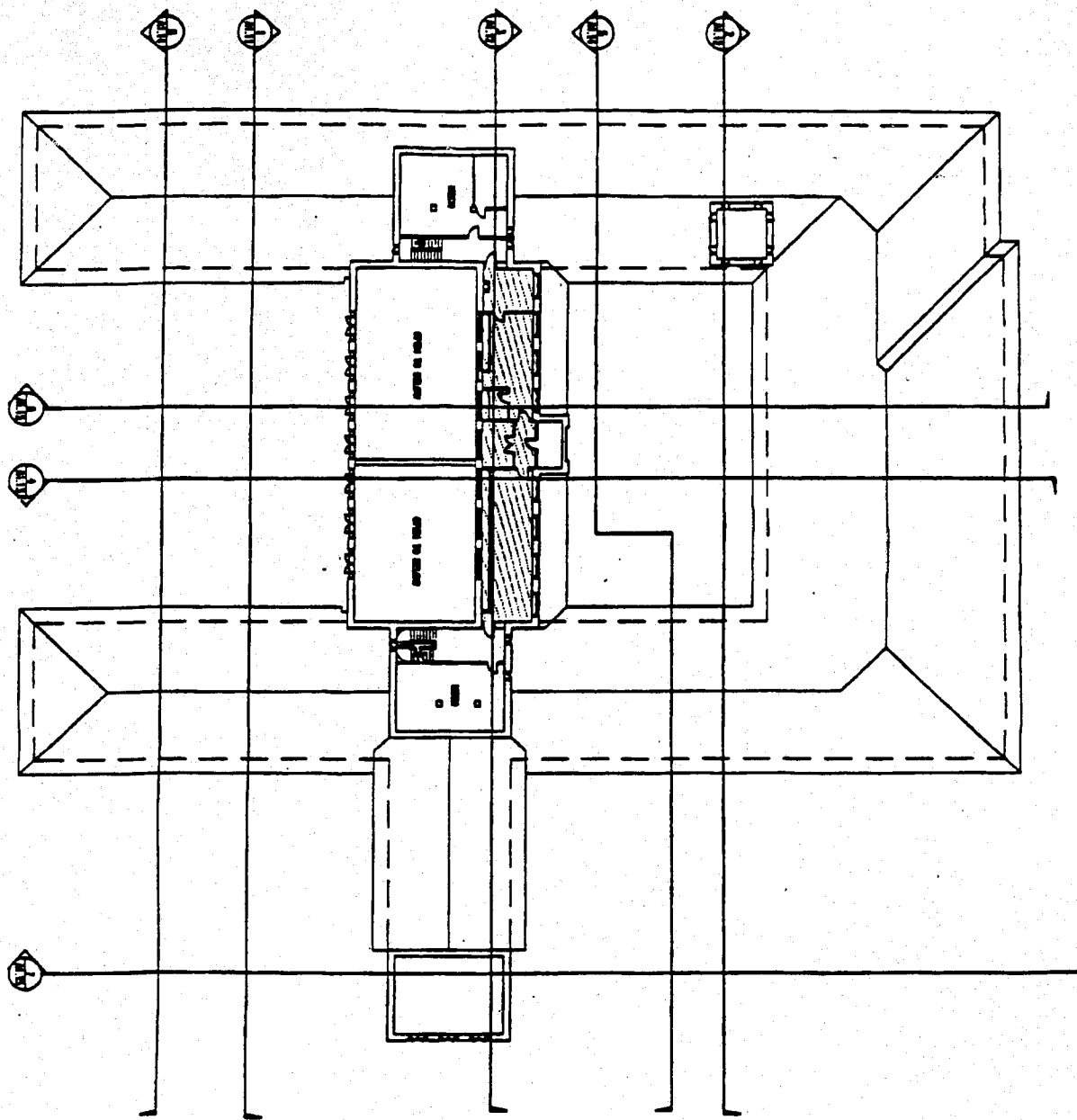
LEVEL 3
 FLOOR PLAN
 EXISTING CONDITIONS

A1.6

CDS

CDS INTERNATIONAL

EXHIBIT E



Tower Rooms level 4

10040207.1207 Rev 4.dwg

01 AUG 1994

FEASIBILITY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
HONOLULU, HAWAII

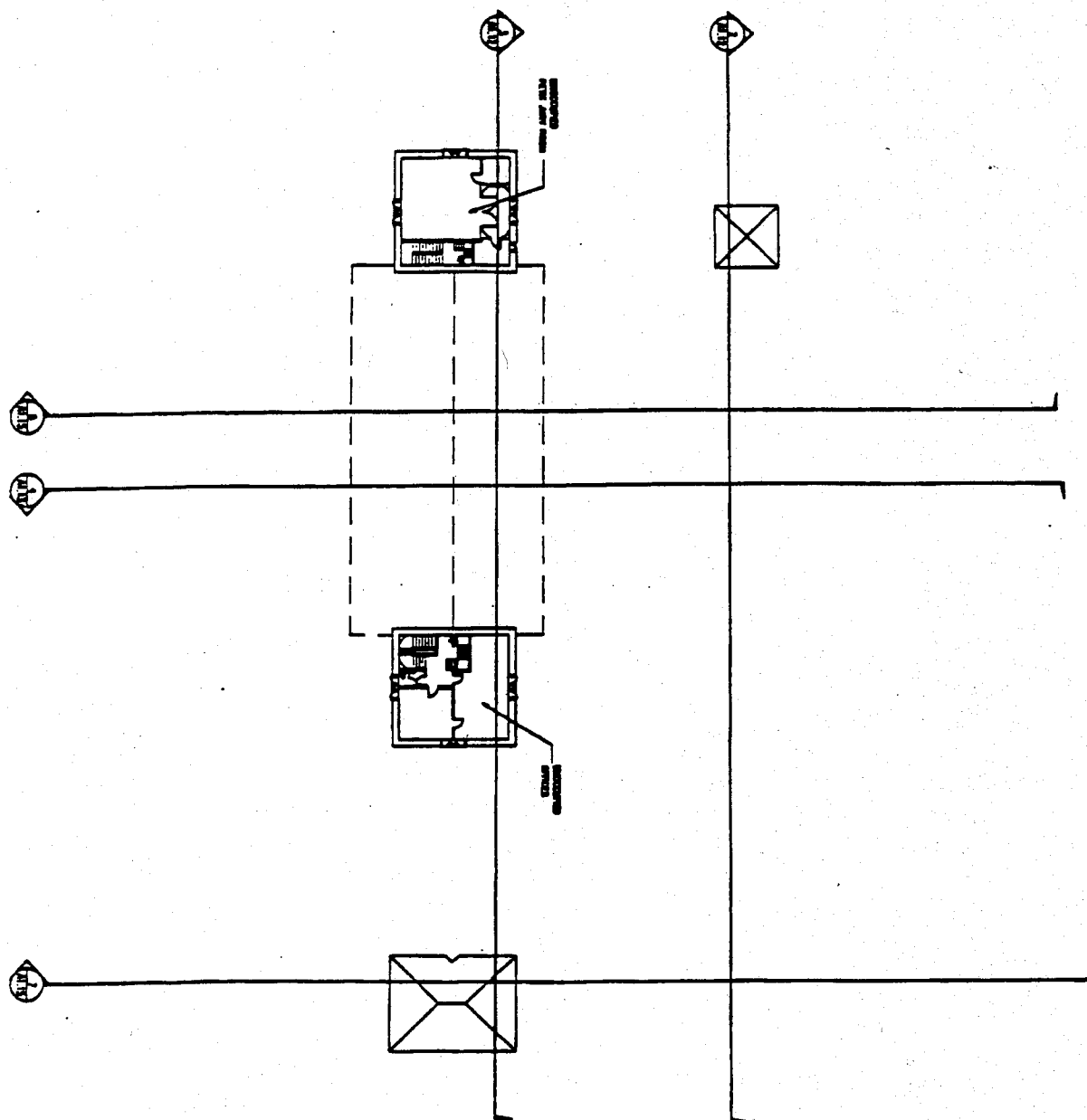
LEVEL 4
FLOOR PLAN
EXISTING CONDITIONS

A1.7

CDS

CDS INTERNATIONAL

EXHIBIT F



Tower Rooms level 5

10040001.1207 2000-01-01

01 AUG 1994

FEASIBILITY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
HONOLULU, HAWAII

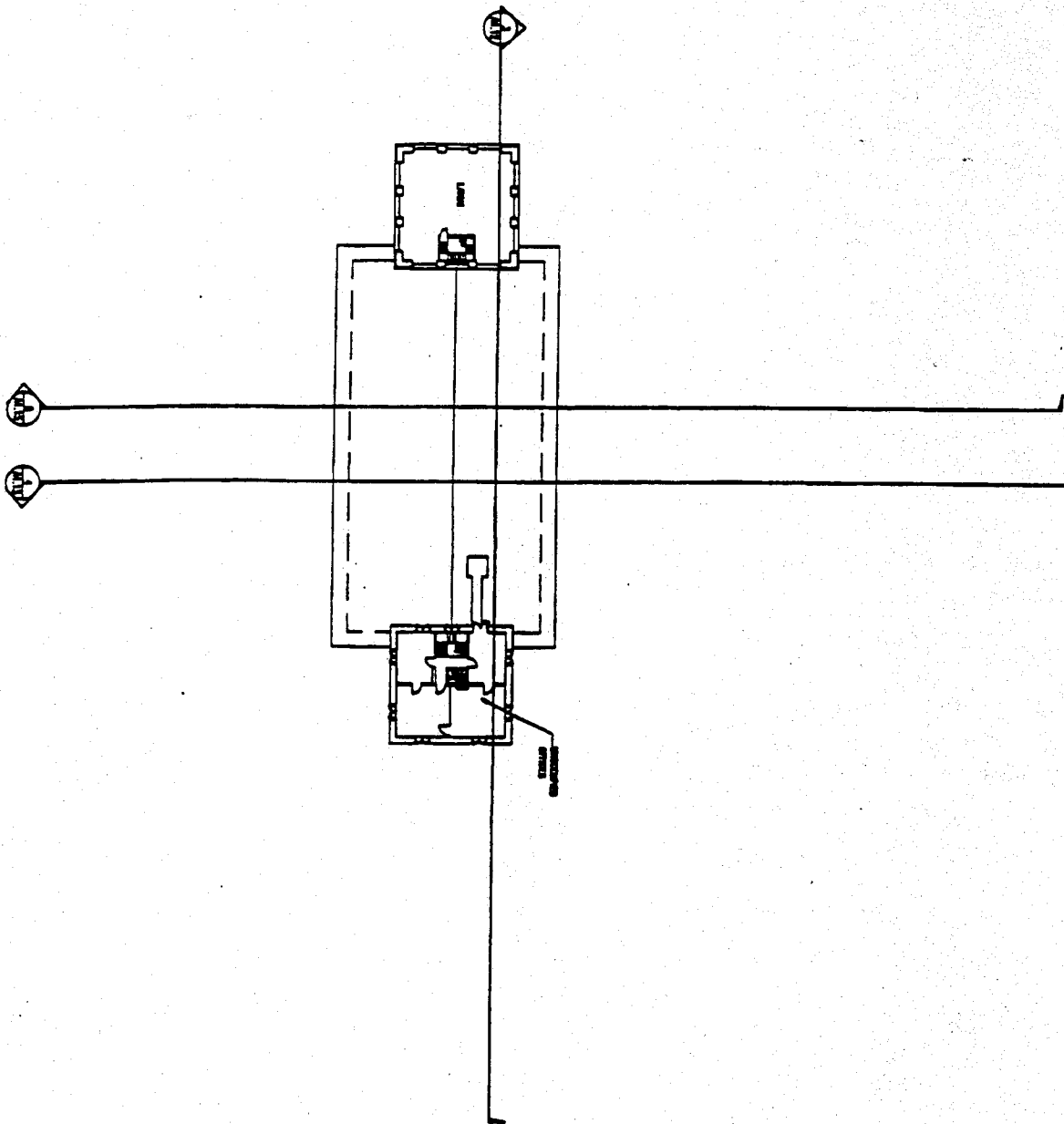
LEVEL 5
FLOOR PLAN
EXISTING CONDITIONS

A1.8

CDS

CDS INTERNATIONAL

EXHIBIT G



Tower Rooms level 6

10040801.1208 Rev'd.dwg

01 AUG 1994

PRELIMINARY STUDY FOR THE RENOVATION OF
U.S. POST OFFICE, CUSTOMS AND COURT HOUSE
BOSTON, MASS

LEVEL 6
FLOOR PLAN
EXISTING CONDITIONS

A1.9

CDS

CDS INTERNATIONAL

EXHIBIT H

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 05od-206

Oahu

Grant of Perpetual, Non-Exclusive Easement to Hawaiian
Electric Company, Inc. for Access and Utility Purposes,
Auwaiolimu, Honolulu, Oahu, Tax Map Key: 2-2-03:13 portion.

APPLICANT:

Hawaiian Electric Company, Inc. (HECO), a Hawaii corporation,
whose business and mailing address is P.O. Box 2750, Honolulu,
Hawaii 96840-0001.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Auwaiolimu situated at Auwaiolimu,
Honolulu, Oahu, identified by Tax Map Key: 2-2-03:13 portion, as
shown on the attached map labeled Exhibit A.

AREA:

251 sq. ft. (approximately 18.3 feet wide and 14.5 feet long).

ZONING:

State Land Use District: Urban
City & County of Honolulu CZO: A-2 Apartment & 3.5 Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Governor's Executive Orders 1060 and 1275 to Board of Water
Supply for Bella Vista Reservoir Site.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states: "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment and
- 2) Provide survey maps and descriptions acceptable to State DAGS standards and at Applicant's own cost.

REMARKS:

HECO requested a perpetual easement for access and utility purposes by letter dated August 29, 2005 (see Exhibit B). The utility line will service a private customer adjacent to the BWS parcel. The BWS wrote separate letters to HECO and DLNR Land Division in response to the request and stated they had no objections for the planned overhead power line easement provided they can review the construction plans prior to HECO applying for the building permit (see Exhibit B).

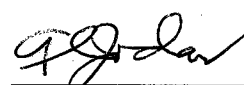
The Department of Hawaiian Home Lands and Office of Hawaiian Affairs replied to our request for comments memorandum indicating they had "no comments". No other agency comments were received.

The Department of Hawaiian Home Lands and Office of Hawaiian Affairs replied to our request for comments memorandum indicating they had "no comments". No other agency comments were received.

RECOMMENDATION: That the Board:

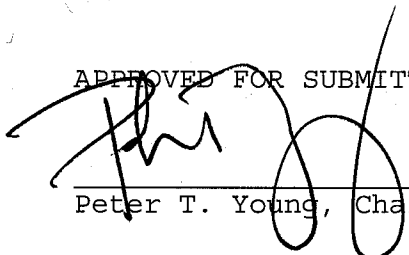
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

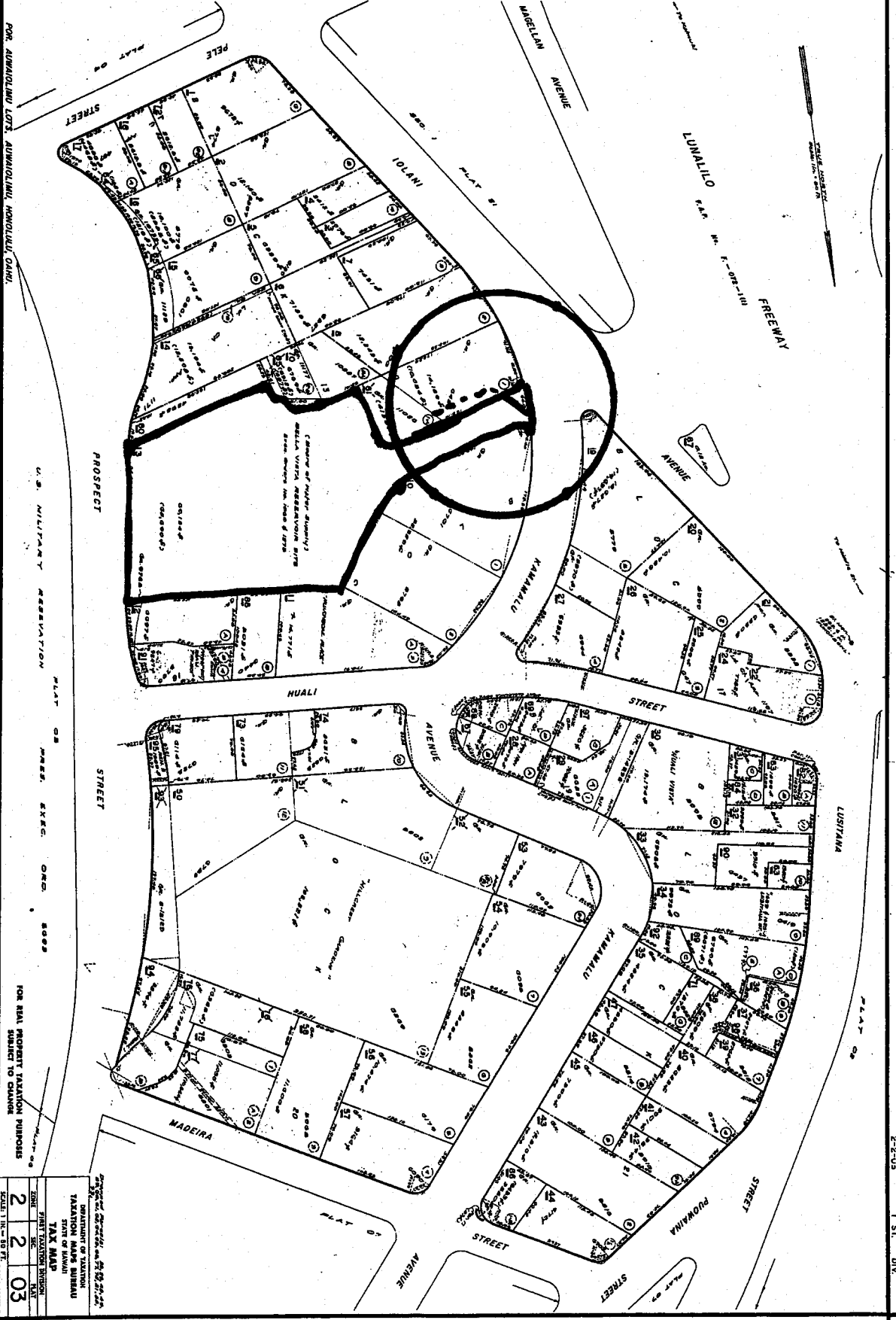


Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE

TAX MAP			
2	2	03	

EXHIBIT "A"



RECEIVED
LAND DIVISION

2005 AUG 31 A 9:30

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

August 29, 2005

Ms. Charlene Unoki
Oahu District Manager
State of Hawaii, Land Division
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Grant of Perpetual, Non-Exclusive Easement
Iolani Avenue, Auwaiolimu, Honolulu, Oahu, TMK (1) 2-2-003:013

Dear Ms. Unoki:

Please find enclosed a copy of the following for your review:

1. Letter dated December 8, 2004, from the undersigned to Shirley Saffery, Board of Water Supply, Land Division, with an enclosure copy of -
 - a. Tax Map (1) 2-2-003;
 - b. Hawaiian Electric Company, Inc. ("HECO") Engineering Drawing No. P0012345; and,
 - c. HECO R/W Map No. 2004-048 dated August 16, 2004.
2. Letter dated May 27, 2005, from Shirley F. Saffery to the undersigned.

HECO is in the planning process to provide electrical service to TMK (1) 2-2-003:009 (owned by Mary Wilkowski), a parcel which abuts Bella Vista Reservoir Site (Executive Order Nos. 1060 & 1275). We had hoped to provide service without crossing over the reservoir site, but after much analysis, tapping off of our Pole 15 is the only option available. This would require an easement over the Reservoir Site in order to connect service from Pole 15 to the Wilkowski's property.

Pursuant to Ms. Saffery's letter, we are contacting you for the formal approval and processing of a grant of easement document over and across the Bella Vista Reservoir Site.

If you have any questions, or require additional information, please feel free to call me at 543-4736. Thank you.

Sincerely yours,

Harrilynn Kameenui
Land Agent

Enclosures

EXHIBIT "B"

WINNER OF THE EDISON AWARD
FOR DISTINGUISHED INDUSTRY LEADERSHIP



BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



MUFI HANNEMANN, Mayor

RANDALL Y. S. CHUNG, Chairman
HERBERT S. K. KAOPIA, SR.
SAMUEL T. HATA
ALLY J. PARK

RODNEY K. HARAGA, Ex-Officio
LAVERNE HIGA, Ex-Officio

DONNA FAY K. KIYOSAKI
Deputy Manager and Chief Engineer

December 14, 2005

RECEIVED
LAND DIVISION

2005 DEC 21 A 9:28

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. AL Jodar, Land Agent
Department of Land and Natural Resources
Land Management Division
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Jodar:

Subject: HECO's request for Electrical Easement over Board of Water Supply's Bella Vista Reservoir Site off Iolani Avenue at Honolulu, Oahu - TMK: 2-2-003:013

The Board of Water Supply (BWS) has no objection to Hawaiian Electric Company, Inc. (HECO) conceptual plans for an overhead power line easement over our above property, granted by Executive Order 1060.

We had informed HECO that their construction plans must be reviewed and approved by the BWS before they can apply for a building permit.

If there are any questions, please call Shirley Saffery at 748-5913.

Very truly yours,

JONATHAN M. SUZUKI
Civil Engineer VI

EXHIBIT "B"

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 02OD-194

Oahu

Re-submittal- Amend Prior Board Action of September 26, 1986 (Agenda Item F-9) - Set Aside to City and County of Honolulu for Solid Waste Collection Site, Waimanalo, Koolauoko, Oahu, Tax Map Key: (1) 4-1-009:283.

BACKGROUND:

(This submittal was deferred by the Land Board at its meeting on October 28, 2005, under Item D-13, due to staff concerns that the City and County of Honolulu (City) was charging the State for an easement on their property, i.e. a City road. (In most cases, the State waives the consideration for the City's use of State lands because they generally serve in the public's best interest). However, the matter regarding the above easement has been resolved and staff is re-submitting this request to the Land Board).

At its meeting on September 26, 1986, the Land Board approved the set aside of 1.64 acres, being a portion of the subject parcel, to the City and County of Honolulu (City) for a Solid Waste Collection Site. The total acreage for the subject parcel is 5.24 acres (refer to Exhibits "A", "B" and "C").

The approved set aside area required a City subdivision, which added to the delay in processing an executive order. Staff later determined it is in the best interest of both parties if the set aside area is amended to allow the City to manage the entire 5.24 acre parcel. Staff notes, however, that the City's Department of Environmental Services (DES) has already been utilizing the Waimanalo Solid Waste Collection Site (aka Waimanalo Convenience Center), although our files show no right-of-entry permit for this use.

By letter dated April 5, 2002, the City agreed to accept the State's offer to set aside to the City the remaining area of the subject parcel. Staff previously determined that the subject parcel's area is too small for an agriculture lease as required by the AG-1 County zoning. In addition, the terrain of the parcel's remaining street frontage is not favorable to establishing an entrance to the property other than the one used for the City's waste collection facility, and both the City and State anticipate a growing need to accommodate the disposal of solid waste in Waimanalo.

The City's Department of Planning and Permitting (DPP) informed staff that portions of the subject parcel are within Flood Zones AE and AO, and that any development on this site should be done in accordance with the requirements of the Flood Hazard Ordinance. Flood Zone AE reflects the close proximity of Inoaole Stream and the vulnerability of the parcel to flooding as a result of vegetation and other objects that may obstruct the flow of water in the stream. Flood Zone AO includes average flood depths of 1-3 feet, usually attributed to sheet flowage from sloping terrain.

DPP also noted that the Waimanalo Wastewater Treatment Plant is operating at full capacity and that any request for additional wastewater connections will be deferred to the City's Department of Environmental Services for approval.

Other government agencies did not reply to staff's request for comment, including the Department of Health, Department of Hawaiian Home Lands, DLNR-Aquatic Resources, DLNR-Historic Preservation, and the Office of Hawaiian Affairs.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision of the entire area set aside at Applicant's own cost; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

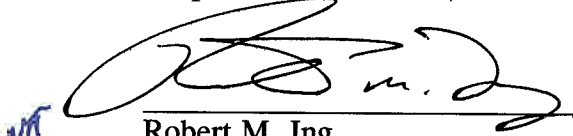
RECOMMENDATION:

That the Board, subject to the City and County of Honolulu fulfilling the Applicant Requirements above,

1. Amend its prior action of September 26, 1986, under agenda item F-9, by increasing the set aside area from 1.64 acres to 5.24 acres, more or less, to the City and County of Honolulu for the Solid Waste Collection Site under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and

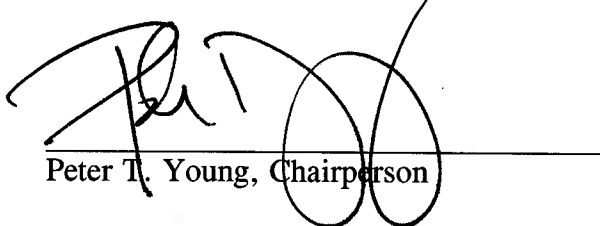
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 2. Approve the issuance of an after-the-fact Management Right-of-Entry to the City and County of Honolulu, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

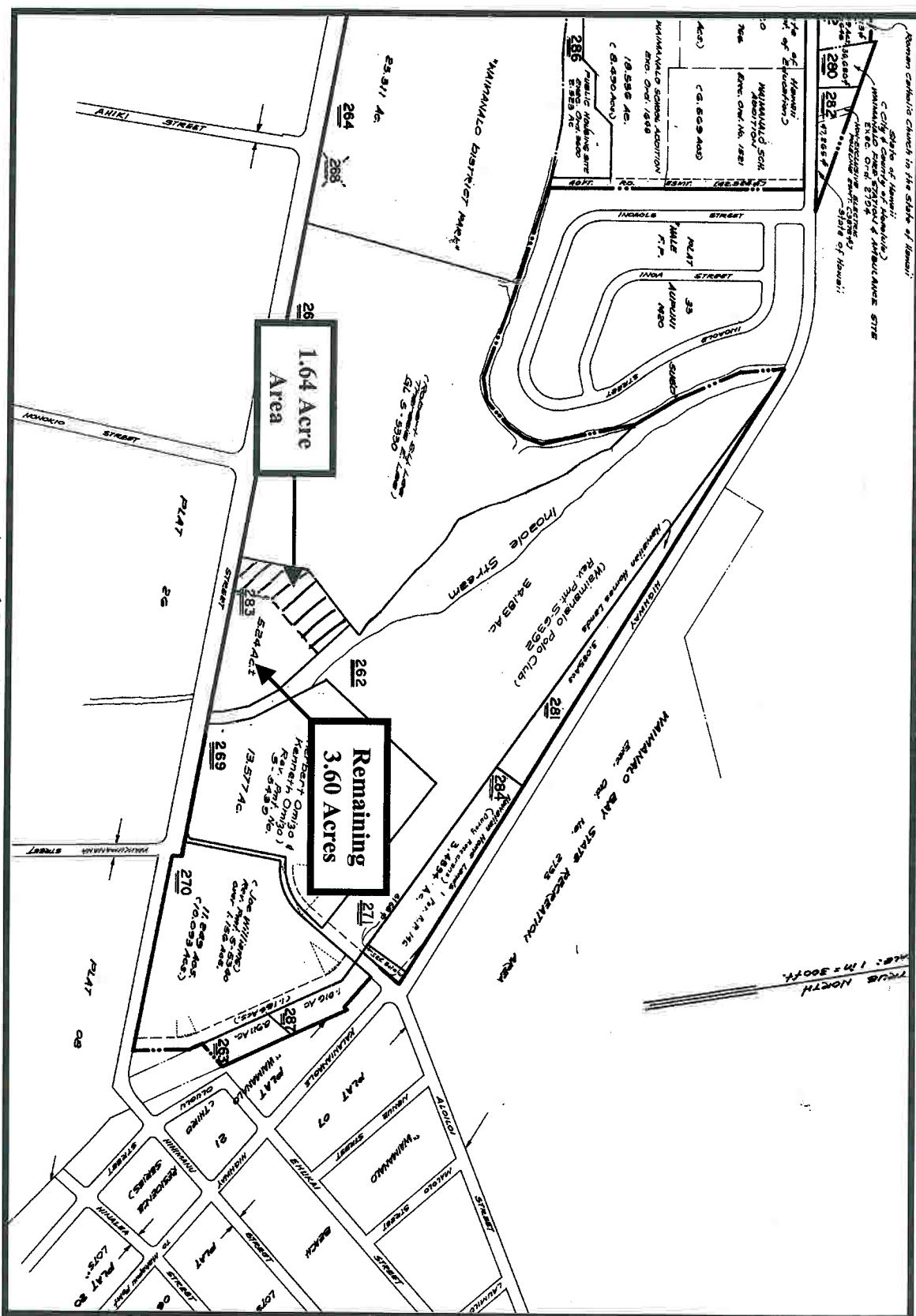
A handwritten signature in black ink, appearing to read "Robert M. Ing", written over a horizontal line.

Robert M. Ing,
Land Agent

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read "Peter T. Young", written over a horizontal line.

Peter T. Young, Chairperson



Amend Set Aside to C&C
 (Solid Waste Collection Site)
 Waimanalo, Koolapoko, Oahu
 TMK: (1) 4-1-009:283

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF LAND MANAGEMENT

P. O. BOX 621

HONOLULU, HAWAII 96809

September 26, 1986

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

OAHU

Subject: Set Aside of State Land at Waimanalo, Koolaupoko, Oahu, to City and County of Honolulu for Solid Waste Collection Site Purposes

The Department of Land and Natural Resources and the Windward Oahu Soil and Water Conservation District entered into a watershed agreement dated August 17, 1982 with the United States Department of Agriculture, Soil Conservation Service, to construct certain works of improvements for the Waimanalo Watershed.

One of the improvements for the foregoing watershed project was the construction of a Solid Waste Collection Site on 1.64 acre of State land at Waimanalo, Koolaupoko, Oahu, being a portion of Parcel 266 of Tax Map Key: 4-1-09, as shown and described on Government Survey Map labeled Land Board Exhibit "A" and appended to the basic file.

The Council of the City and County of Honolulu by Resolution No. 84-124 dated April 18, 1984, authorized the administration of the City and County of Honolulu to enter into ~~an agreement with the Department of Land and Natural Resources to~~ operate and maintain the aforementioned solid waste collection site.

In view of the foregoing, our Division of Water and Land Development has requested that the Board set aside the above-mentioned solid waste collection site for the City and County of Honolulu.

RECOMMENDATION:

The Board approve of and recommend to the Governor of Hawaii issuance of an executive order placing 1.64 acre of State land at Waimanalo, Koolaupoko, Oahu, as shown and described on the map

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

Sept 26, 1986

ITEM F-9

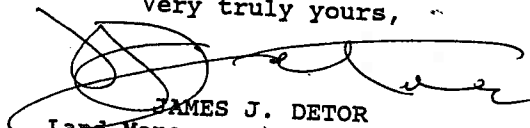
EXHIBIT "B"

Board of Land and
Natural Resources


September 26, 1986

labeled Land Board Exhibit "A" under the management and jurisdiction of the City and County of Honolulu for solid waste collection site purposes.

Very truly yours,


JAMES J. DETOR
Land Management Administrator

APPROVED FOR SUBMITTAL:


SUSUMU ONO, Chairperson

ACTION

Mr. Kealoha moved to approve with the following amendment:

That Item F-9, paragraph 3 sentence 2 where it says "of the City and County of Honolulu to" that from the word "enter into" until the word "to" be deleted so that portion would read "Administration of the City and County of Honolulu to operate and maintain the aforementioned solid waste collection site."

Motion carried unanimously with a second by Mr. Zalopany.



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. 20,471

October 7, 1986

SOLID WASTE COLLECTION SITE

Waimanalo, Koolaupoko, Oahu, Hawaii

Being a portion of the Government (Crown) Land of Waimanalo.

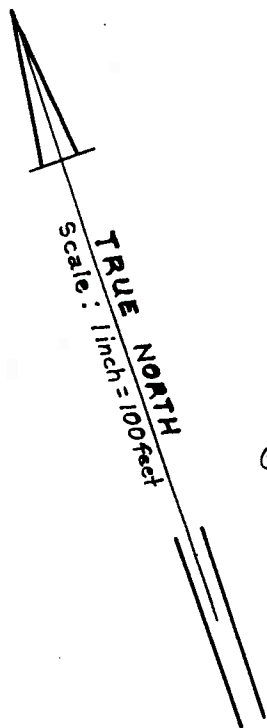
Beginning at a 3/4" pipe on the southwest corner of this parcel of land and on the north side of Hihimanu Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMANALO RIDGE" being 5163.57 feet South and 7963.75 feet East, thence running by azimuths measured clockwise from True South:-

1. 199° 35' 282.33 feet along the remainder of Government (Crown) Land of Waimanalo to a 3/4" pipe;
2. 240° 25' 242.00 feet along the remainder of Government (Crown) Land of Waimanalo to a 3/4" pipe;
3. 330° 25' 180.00 feet along the remainder of Government (Crown) Land of Waimanalo to a 3/4" pipe;
4. 60° 25' 266.76 feet along the remainder of Government (Crown) Land of Waimanalo to a 3/4" pipe;
5. 19° 35' 145.90 feet along the remainder of Government (Crown) Land of Waimanalo to a 3/4" pipe;
6. 109° 35' 120.00 feet along the north side of Hihimanu Street to the point of beginning and containing an AREA OF 1.64 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

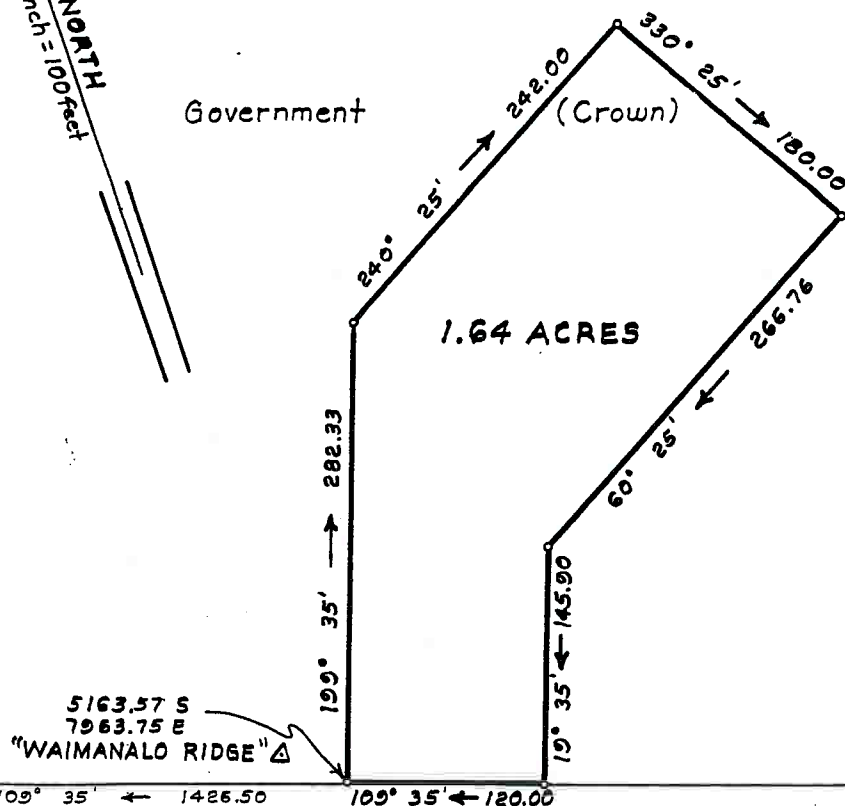
Compiled from data furnished by C&C Land Div. and Govt. Survey Records.

By: Henry Y. Fujita
Henry Y. Fujita
Land Surveyor pt



Government

Land



109° 35' ← 1426.50 109° 35' ← 120.00

HIHIMANU

STREET

To Kakaina St. ←

→ To Kalanianaʻole Highway

WAIMANALO

FARM

LOTS

Lot 45-A

Lot 45-B

Lot 45-C

Lot 46-A

L

O

T

45

LOT

46

Grant
to

Seizen

13, 135
Higa

Grant 13, 201 to
Hisashi Akagi and Hatsumi
Sakata Akagi

SOLID WASTE COLLECTION SITE

Waimanalo, Koolau, Oahu, Hawaii

Scale: 1 inch = 100 feet

REDUCED
NOT TO SCALE

JOB 0-378 (86)
C. BK 9, Pg. 22

All corners marked with 3/4" pipe.

TAX MAP 4-1-08:49

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C. S. F. No. 20,471

H.F. Oct. 7, 1986



EXHIBIT "C"

14

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

02OD-446

OAHU

Amend Prior Board Action of November 19, 2004 under Agenda Item D-4, for Grant of a Term Non-Exclusive Easement to Patricia Watanabe for Seawall Purposes, Kaneohe, Koolaupoko, Oahu, TMK (1) 4-4-18:82 seaward.

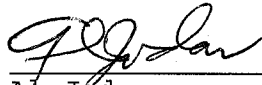
On November 19, 2004 under Agenda Item D-4, the Board approved the issuance of a term non-exclusive easement to Patricia Watanabe for seawall purposes.

After the above-cited Board approval, a search of the real property records of the abutting private property shows the trust rather than her individual name as the title owner. The owner of the subject property is the Patricia F. Watanabe Irrevocable Trust dated December 29, 1999 with Dana S.K. Watanabe as trustee.

RECOMMENDATION: That the Board:

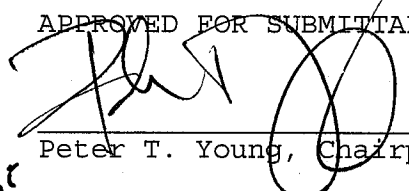
Amend its action of November 19, 2004 under Agenda Item D-4 by amending the grantee name to the Patricia F. Watanabe Irrevocable Trust dated December 29, 1999 with Dana S.K. Watanabe as trustee.

Respectfully Submitted,



Al Jodan
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

15

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05OD-261

OAHU

Approval in Principle of Direct Lease to Coalition for
Specialized Housing for Low-Income Rental Housing Purposes,
Waimano, Oahu, Tax Map Key: (1) 9-7-19:35.

APPLICANT:

Coalition for Specialized Housing, a Hawaii non-profit
corporation, whose business and mailing address is 2349C Palolo
Avenue, Honolulu, Hawaii 96816.

LEGAL REFERENCE:

Section 171-43.1, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Manana and Waimano, Ewa,
Oahu, identified by Tax Map Key: (1) 9-7-19:35, as shown on the
attached map labeled Exhibit A.

AREA:

4.703 acres, more or less.

ZONING:

State Land Use District:	Urban
City & County of Honolulu CZO:	P-2 General preservation district

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES ____ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Low-income rental housing purposes.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities -all utilities are available
Slope -gentle by Kamehameha Highway entrance; otherwise level
Legal access to property - Staff has verified that there is legal access to the property off of Kamehameha Highway.
Subdivision - Staff has verified that the subject property is a legally subdivided lot.
Encumbrances - Staff has verified that the following encumbrances exist on the property: Hawaiian Electric Company for electric transmission poles and lines; Richard Sunada (LOD 27809) sewer easement; and Glenn Young (LOD 27516) access and utility easement.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This is a request for the Land Board's approval in principle of a lease to the Coalition for Specialized Housing and authorization for the Coalition for Specialized Housing to comply with Chapter 343, Hawaii Revised Statutes, as amended.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>x</u>	NO	<u> </u>
Registered business name confirmed:	YES	<u>x</u>	NO	<u> </u>
Applicant in good standing confirmed:	YES	<u>x</u>	NO	<u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Prepare and process, at its own cost, all necessary studies and documentation for compliance with Chapter 343, Hawaii Revised Statutes, as amended.

REMARKS:

The subject property is currently vacant and unencumbered. The subject property was previously encumbered by General Lease No. S-4948 to the Pearl City Youth Complex Association effective February 1, 1985 for youth athletic and recreation purposes. The Land Board on May 13, 2005, under agenda item D-20, mutually agreed to cancel the lease due to the organizations changing leadership, lack of committed volunteers, and lack of financial funding.

The current zoning is preservation. The proposed use would require the Applicant to apply for a zoning change.

Applicant qualifies for a direct lease as a non-profit pursuant to Section 171-43.1, Hawaii Revised Statutes, as amended. Applicant has provided evidence of 501(c)(3) status.

By letter dated November 29, 2005, Mr. Wallace Inglis, President, is requesting preliminary approval to lease the subject property for Coalition for Specialized Housing to develop a low-income rental housing project in partnership with Housing and Community Development Corporation of Hawaii (HCDCH). The Coalition for Specialized Housing needs to apply for State and Federal tax credits, and low interest State Trust Fund loans. Annually, the (9%) Low-Income Housing Tax Credit (LIHTC) and Rental Housing Trust Fund (RHTF) awards are scheduled for June 2006. The 4% State's and Federal Low-Income Housing Tax Credit Program is open to applications throughout the year. (EXHIBIT B)

Next door to the subject property, the Coalition for Specialized Housing has General Lease No. S-5223 effective June 1, 1994 for low or moderate income housing for the elderly and disabled purposes. The facility of 210 units was built in 1996. In the past Mr. Inglis has contacted the Department if the subject property were to become available, they were interested in the property for the expansion of the Hale Mohalu facilities. There is a need for affordable rental units in the State. The skyrocketing real estate market has eliminated rental units in the affordable range. This proposal fulfills an important

housing need for the community. In a few months, the Coalition for Specialized Housing has reviewed the facts and put together a team to complete the project in two (2) years of receiving tax credit awards.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

If Land Board approval in principal is obtained, the Coalition for Specialized Housing will pursue compliance with Chapter 343, Hawaii Revised Statutes, as amended and incorporate agency and community comments.

RECOMMENDATION: That the Board:

1. Approve in principle, a new direct lease to Coalition for Specialized Housing, subject to the following:
 - A. At its own cost Coalition for Specialized Housing shall pursue satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, and obtain a finding of no significant impact (FONSI) within twelve (12) months of the Land Board's approval;
 - B. Should Coalition for Specialized Housing fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twelve (12) months, the Land Board's approval shall be considered rescinded;
 - C. Coalition for Specialized Housing acknowledges the following:
 - i) All costs associated with the necessary compliance with Chapter 343, Hawaii Revised Statutes, as amended, shall be borne by Coalition for Specialized Housing;
 - ii) That this action is an approval in principle and does not provide any assurance of a direct lease and such approval of a direct lease shall be subject to consideration by the Land Board under a separate action after satisfactorily complying with Chapter 343, Hawaii Revised Statutes, as amended;
 - iii) That there has been no representations or assurance made regarding the annual rent to be paid under a direct lease. Coalition for Specialized Housing agrees to provide a proposal for rent and justification for such rent in connection with the Land Board's final consideration of a direct lease after

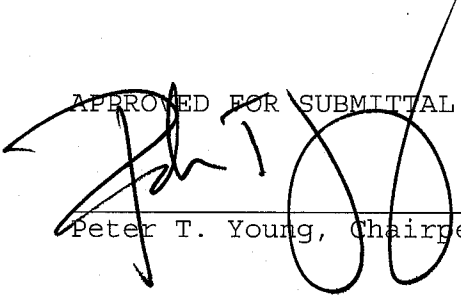
satisfactorily compliance with Chapter 343,
Hawaii Revised Statutes, as amended.

- D. Authorize the Coalition for Specialized Housing to act as agent of the landowner, State of Hawaii to process the zoning change and exemptions of the subject lands.
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

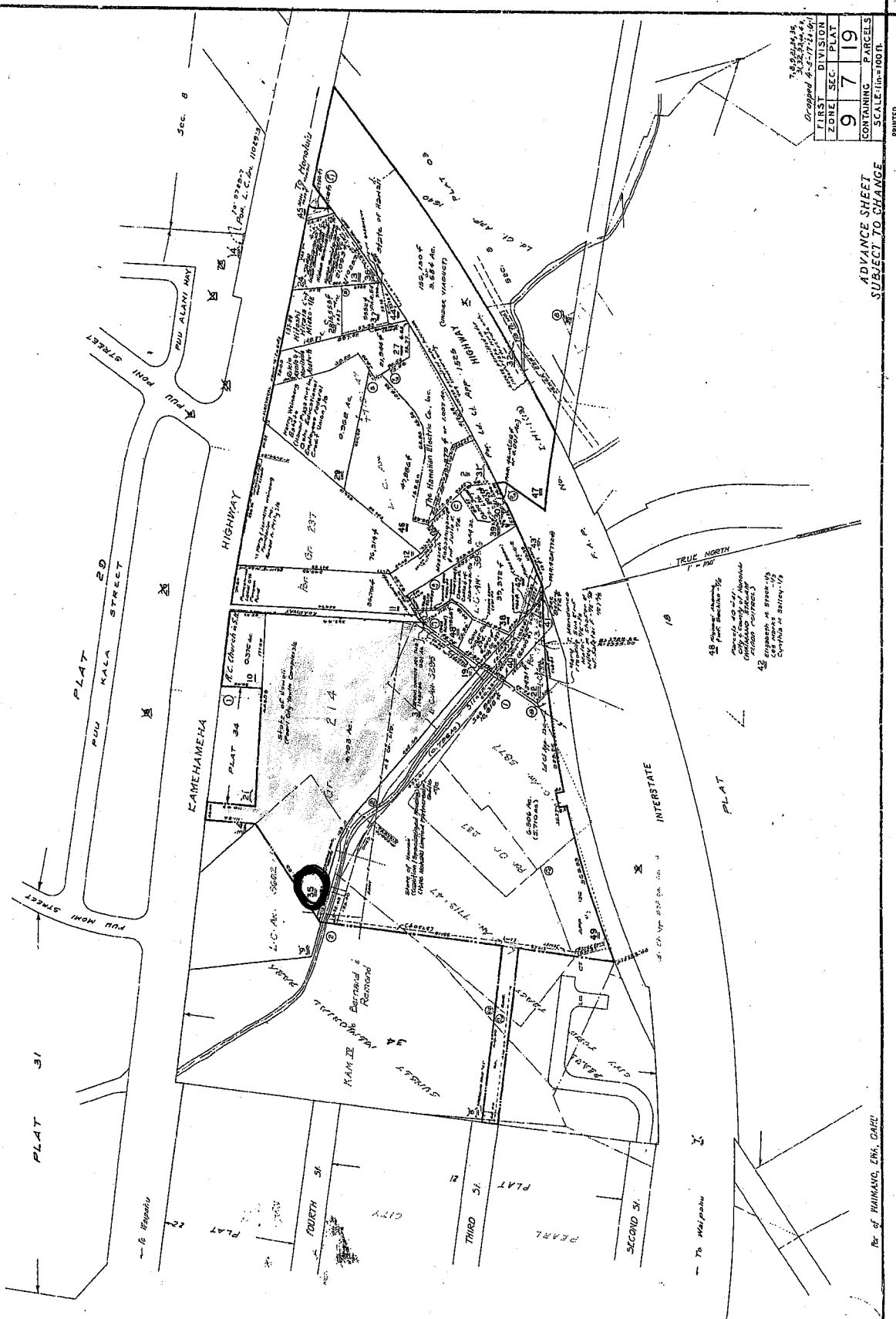
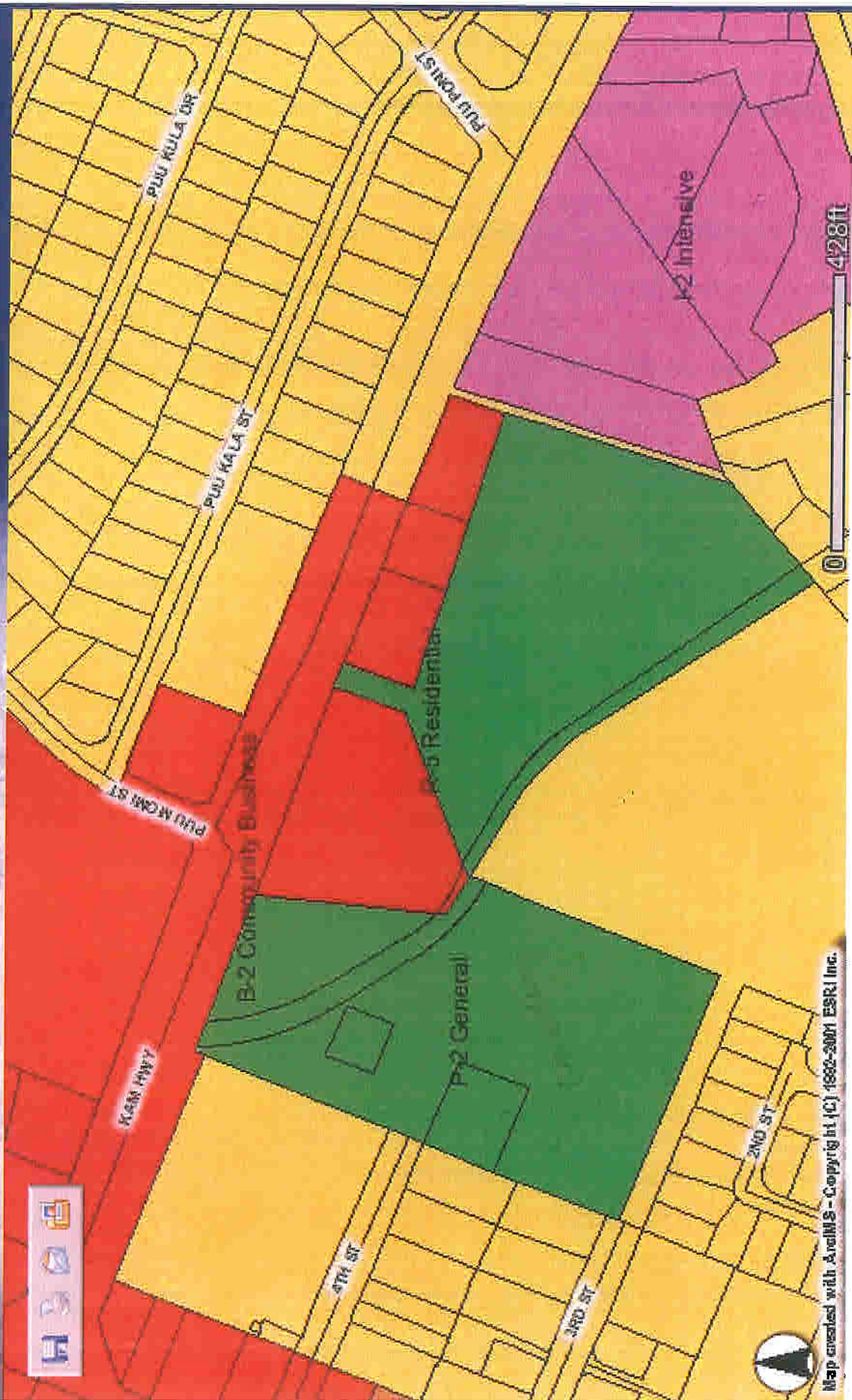


EXHIBIT "A"

City & County of Honolulu

Department of Planning and Permitting (DPP)



Excerpt from Zoning Map

EXHIBIT "A"

COALITION FOR SPECIALIZED HOUSING
2349C Palolo Avenue
Honolulu, Hawaii 96816

November 29, 2005

Mr. Peter Young, Chairman
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Young:

On behalf of the Board of Directors of the Coalition for Specialized Housing ("CSH"), I write to you in regard to the vacant state land formerly occupied by the Pearl City Youth Complex Association (PCYCA). CSH holds General Lease S-5223 for the adjacent Hale Mohalu affordable rental project. The two parcels combined were once the site of Hale Mohalu, a state facility for Hansen's Disease patients.

I attach copies of previous correspondence, dated October 25, 2004 (Exhibit 1) and June 13, 2005 (Exhibit 2), in which we briefly review the history of this land and set forth the hopes of CSH to expand its successful 210-unit senior affordable housing project and provide more units of low-cost housing on the vacant parcel.

The purpose of this letter is to request of the Department of Land and Natural Resources ("DLNR") its preliminary approval to lease the vacant land to our non-profit group to develop low-income rental housing in partnership with the state Housing and Community Development Corporation of Hawaii ("HCDCH") and other government agencies. I also attach a memo of June 28, 2005 (Exhibit 3), in which the HCDCH Executive Director endorses our endeavor. We also have the support of Senator Clarence Nishihara, who represents Pearl City and Waipahu in the Legislature.

Specifically, we are requesting approval to allow CSH to begin the necessary steps of due diligence, planning, financing, etc., for a low-income rental project that will result in DLNR and CSH negotiating and signing a 65-year lease—terms of which would take into consideration our target population of "very low-income" renters, i.e., 50% of the Area Median Income ("AMI") or less.

An immediate and critical step to expedite the development of the property as a very low-income rental project is for CSH to tap into the supply of state and federal tax credits, and low interest state trust fund loans, that are essential to our plan of developing these rental housing units. To be eligible for the next annual cycle of federal and state Low-Income Housing Tax Credit ("LIHTC") and Rental Housing Trust Fund ("RHTF"), awards scheduled for June, 2006, we need to submit our application by January 20, 2006 (Exhibit 4). For this reason, it is urgent that we secure conditional approval from DLNR

EXHIBIT " B "

at the earliest possible date. This action would enable housing to be built and ready for occupancy within two full years of receiving tax credit awards. Delay would mean postponing the project for another year.

The lease between DLNR and CSH would be conditioned upon, among other things, CSH's completion of activities as outlined in the following schedule:

<u>Activity</u>	<u>Target pro-Forma Date</u>
Architectural and engineering design	Dec 2005 – Jul 2006
Coordinate and obtain preliminary approval from state and city to build the project as conceptually designed, e.g., height, density, and access.	Dec 2005 - Dec 2005
Apply for pre-development and interim financing letters of interest and commitments.	Dec 2005 – Jan 2005
Apply for city funds.	Dec 2005 – On-going
Obtain financing and support letters from financial institutions (interim and permanent), tax credit syndication, elected and government officials, brief neighborhood board, etc.	Dec 2005 – Apr 2006
Apply for federal and state LIHTC, state RHTF Project Award (RHTF- PA"), state HDRF Award, etc.	Dec 2005 – Jan 2006
Obtain pre-development and interim financing commitments.	Feb 2006
Apply to state DLNR for Environmental Assessment ("EA ") Finding of No Significant Impact ("FONSI")	Jan 2006
State RHTF-PA ("RHTF") approval	Jun 2006
State OEQC issues FONSI	Jul 2006
LIHTC and RHTF-PA awarded by state	Jul 2006
Governor signs LIHTC and RHTF-PA award letters	Aug 2006
Lease property from DLNR	Aug 2006

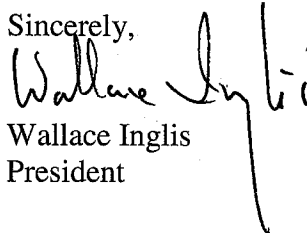
The approvals described above shall be according to the subjective good faith business judgment of CSH, acting in its sole discretion.

The basis of the Target Pro Forma Dates for the government financing applications is the state HCDCH's schedule in its 2006 Consolidated "RHTF/LIHFC" Application (Exhibit 4). The dates for city and state government approvals are estimates based on approvals for similar projects, recently completed or in process, by various members of CHS's development team. We hope that DLNR will acknowledge the element of uncertainty involved in the timing of the approvals and receipt of proceeds from these approvals, and therefore will be somewhat flexible in allowing reasonable extensions should delays occur which are beyond the control of CSH.

Immediately upon approval of CSH's request by DLNR, CSH will pursue the planning and financing of a very low-income rental project on the property. In this process, but only with respect to the property, CSH looks forward to the active participation and cooperation of DLNR, at no cost to the Department. When requested, DLNR would expeditiously assist and provide CSH with authorization to access the site and help process various documents with government and private entities. Such entities would include city planning and building departments, state HCDCH and OEQC, other state agencies, private lenders, and so forth.

We look forward to your favorable consideration of our request

Sincerely,

A handwritten signature in dark ink, appearing to read "Wallace Inglis", written over the printed name.

Wallace Inglis
President

EXHIBIT "B"

COALITION FOR SPECIALIZED HOUSING

**2349C Palolo Avenue
Honolulu, Hawaii 96816**

October 25, 2004

**Mr. Peter Young, Chairman
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813**

Dear Mr. Young:

On behalf of the Board of Directors of the Coalition for Specialized Housing, I am renewing our request that the Board of Land and Natural Resources consider transferring General Lease No. S-4948, held by the Pearl City Youth Complex Association (PCYCA), to General Lease S-5223, held by the Coalition for Specialized Housing (CSH).

The approximately 11 acres of land and buildings known as Hale Mohalu were home for years to Hansen's Disease patients. On February 21, 1985, the entire acreage was transferred to PCYCA. On December 20, 1994, a partial withdrawal (doc. No. 2205273) was completed to grant Lease S-5223 to CSH, a non-profit corporation dedicated to providing housing for low-income elderly, disabled and former Hansen's Disease patients. A complex of 210 units was built in 1996 by CSH on the Hale Mohalu site.

The PCYCA has not developed its property, although it has held the lease for two decades. Nor has it made use of the site's intended purpose as an athletic facility. Certain improvements were made by our contractors in return for use of the site as an equipment staging area during the construction of our apartment complex. The addition of new soccer and baseball fields elsewhere in Pearl City over the past few years has eliminated the need to build even more fields on the still-vacant lot leased by PCYCA.

If the BLNR believes it is time to make that land available for a more productive purpose, CSH is willing to conduct feasibility studies and marketing surveys to determine if expansion of our facilities, including assisted living, would be appropriate.

A member of our Board will contact your office soon to set up an appointment so that we can introduce ourselves and make our case. If you have questions, you may contact me at 734-2313.

Sincerely,

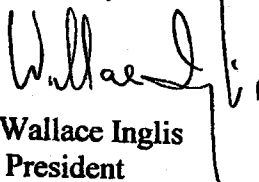

Wallace Inglis
President

EXHIBIT "C"

EXHIBIT 1

COALITION FOR SPECIALIZED HOUSING

**2349C Palolo Avenue
Honolulu, Hawaii 96816**

June 13, 2005

**Mr. Peter Young, Chairman
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813**

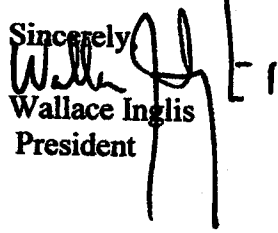
Dear Mr. Young:

On behalf of the Board of Directors of the Coalition for Specialized Housing (CSH), I write to the Board of Land and Natural Resources in regard to General Lease No. S-4948, which was mutually canceled by the Pearl City Youth Complex Association (PCYCA) and the BLNR at the Board's May 13, 2005, meeting. CSH is the holder of General Lease S-5223 for a plot of land adjacent to the land formerly leased by PCYCA.

The approximately 11 acres of land and buildings known as Hale Mohalu were home for years to Hansen's Disease patients. On February 21, 1985, the entire acreage was transferred to PCYCA. On December 20, 1994, a partial withdrawal (doc. No. 2205273) was completed to grant Lease S-5223 to CSH, a non-profit corporation dedicated to providing housing for low-income elderly, disabled and former Hansen's Disease patients. A complex of 210 units was built in 1996 by CSH on the Hale Mohalu site.

This letter is a follow-up to a letter sent to you by CSH on October 25, 2004, in which we expressed our interest in acquiring the lease for the portion then held by PCYCA. It is our desire to expand our Hale Mohalu Senior Apartments complex and help the State of Hawaii meet its ambitious affordable housing goals. In December of 2004, not long after meeting with Charlene Unoki of your Land Division, CSH board members met with Stephanie Aveiro, Executive Director of the state's HCDCH. She was very supportive of our idea of acquiring the Pearl City land for development of affordable housing. She may have corresponded with you on this matter after our meeting with her.

If the BLNR believes it is time to make the land available for a more productive purpose, CSH would like to become part of that process. If there are plans to re-issue the former PCYCA lease, please let us know what steps we would need to take to be considered as a lessee. I may be contacted at 734-2313.

Sincerely,

Wallace Inglis
President

cc: Stephanie Aveiro

EXHIBIT "C"

EXHIBIT 2

LINDA LINGLE
GOVERNOR



STEPHANIE AVEIRO
EXECUTIVE DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII**

PAMELA Y. DODSON
EXECUTIVE ASSISTANT

JIN'REPLY: 05:0ED-189

677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX (808) 587-0600

June 28, 2005

To: Peter T. Young, Chairperson
Board of Land & Natural Resources

From: Stephanie Aveiro *sa*
Executive Director

Subject: General Lease No. S-2948, Coalition for Specialized Housing (CSH)

I am writing in reference to the June 13, 2005 letter from Mr. Wallace Inglis, President, Coalition for Specialized Housing, with reference to General Lease No. S-4948 which was formerly leased by the Pearl City Youth Complex Association (PCYCA).

On February 21, 1985, approximately 11 acres of land was transferred to PCYCA. On December 20, 1994, part of this acreage, Lease S-5823, was granted to CSH who built a 210-unit complex in 1996 for housing for low-income elderly, disabled former Hale Mohalu patients.

The CSH is now interested in acquiring the lease for the portion of land held by PCYCA in order to expand their Hale Mohalu Senior Apartments complex.

The Housing and Community Development Corporation of Hawaii supports this endeavor of CSH to be a lessee to the former PCYCA land for developing of affordable housing which is critically needed in the State of Hawaii.

Your consideration of this request is kindly appreciated.

c: Wallace Inglis

EXHIBIT "C"

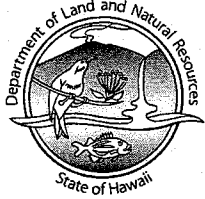
EXHIBIT 3

Schedule of Important Events

Program	Application Available Date	Applications Due Date	Awards Date	Availability of Funds (Subject to availability of funds)
LIHTC From State's Annual Volume Cap	November 8, 2005	January 20, 2006 at 4:00 pm	May/June, 2006	Subject to availability of State's LIHTC volume cap.
LIHTC With Tax-exempt bond	November 8, 2005	Open, applications accepted throughout the year.	Depends on the date an application is received.	Subject to issuance of tax-exempt private activity bond.
RHTF	November 8, 2005	January 20, 2006	To Be Determined <i>Note: RHTF program requires the HCDCH Board to adopt an approved and rejected list prior to award.</i>	Upon Governor's approval and satisfactory completion of required documentation.
HMMF:	November 8, 2005	Open, applications accepted throughout the year.	Depends on the date an application is received.	Upon Governor's approval and satisfactory completion of required documentation.
RARF	November 8, 2005	Open, applications accepted throughout the year.	Depends on the date an application is received.	Upon Governor's approval and satisfactory completion of required documentation.
DURF	Open, applications accepted throughout the year.			Upon Governor's approval and satisfactory completion of required documentation.

All dates are subject to change

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

To: Charlene Unoki, District Land Agent

From: Keith Chun, Planning and Development Manager ✓

Date: January 4, 2006

Re: Request for Comments
Location: Waimano, Oahu, TMK (1) 9-7-19:35
Applicant: Coalition for Specialized Housing

The subject parcel is currently zoned P-2 (preservation) under the City and County of Honolulu's Land Use Ordinance. The applicant's proposed housing project is not a permitted use within the P-2 zoning district, and therefore, in order for the project to be developed, the parcel must first be rezoned. The Applicant's proposal should address this requirement.

EXHIBIT "D"

APPLICATION AND QUALIFICATION QUESTIONNAIRE
(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

Part I: General Information

1. Applicant's legal name: Coalition for Specialized Housing
2. Applicant's full mailing address:
2349C Palolo Ave, Honolulu, Hawaii 96816
3. Name of contact person: Wallace Inglis, President
Contact person Phone No.: 734-2313 (H); 586-6571 (O) Fax No.: 586-8464
4. Applicant is interested in the following parcel:
Tax Map Key No.: (1) 9-7-19:35 Location: portion of government lands situated at Manana and Waimano

If Applicant is current lessee: General Lease No.: Applicant leases adjoining property (General Lease No. S-5223)

5. When was Applicant incorporated? January 9, 1989
6. Attach the following:
 - A. Articles of Incorporation
 - B. Bylaws
 - C. List of the non-profit agency's Board of Directors
 - D. IRS 501(c)(3) or (c)(1) status determination
 - E. Tax clearances from State of Hawaii and respective county Real Property Tax Office.
 - F. Audited financial statements for the last three years. If not audited, explain why.
If Applicant is a new start-up, attach projected capital and operating budgets.
 - G. Any program material which describes eligibility requirements or other requirements to receive services

Part II: Qualification

7. Is Applicant registered to do business in Hawaii: Yes x No
8. Has Applicant received tax exempt status from the Internal Revenue Service? Yes x No
9. Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes No x

List all such licenses and accreditations required:

NA

10. Is Applicant in default or otherwise not in good standing with any State department (e.g. POS agency, DCCA, DLNR, etc.)? Yes No x

11. Has Applicant had a State of Hawaii lease, permit, license, easement or sale in fee cancelled within the last five years? If yes, list: Yes No x

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
-----------------	--------------------------	--------------------------

12. Does Applicant have any policies which discriminate against anyone on the basis of race, creed, color, national origin, sex or physical handicap? Yes No x

If yes, explain:

13. Has Applicant received funding from a federal, State, or county government agency, the Aloha United Way, and/or a major private foundation within the last three years? Please list all such contracts below: Yes X No

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
State Dept. of Health	2004-2005	\$ 24,000

Grant made under Healthy Hawaii Initiative to provide exercise classes, nutrition program, and other health related activities for residents of Hale Mohalu Senior Apartments, Pearl City

Frear Eleemosynary Trust	2005	\$ 25,000
McInerney Foundation	2005	\$ 20,000

Both grants, totaling \$45,000 were donated as partial payment toward purchase of a 2005 wheelchair accessible bus (cost = \$67,000) for residents of Hale Mohalu Senior Apartments

14. If Applicant has not received funding from a federal, State or county government agency, the Aloha United Way and/or a major private foundation during the past three years, describe Applicant's qualifications to effectively perform the proposed services, including but not limited to, grants or subsidies received from non-major, private funders and/or staff or Board members who possess significant experience in Applicant's service field.

Applicant has formed a project team for the proposed development that has considerable and current experience in the planning, financing, construction, and management of low-income rental housing. Since 1999, the project team has completed, or is currently developing, eight affordable housing family and senior rental projects in Honolulu, comprising over 500 units. Funding for the projects has come from various sources—e.g., State HCDCH low-income federal and state tax credits, Rental Housing Trust Fund loans, city HOME and CDBG grants, Seattle Federal Home Loan Board grants, etc. Two low-income rental projects currently are under construction by the project team have monies from all of these sources.

Part III: Program Activities and Persons to be Served

15. What activities will be conducted on the premises to be leased?

Initially, activities will involve the construction of housing for low-income rental housing. After completion of construction, management of the units will occur. The intent is also to provide supervised activities of a social and educational nature (comparable to those presently offered at the Hale Mohalu complex) as required.

16. What are the specific objectives of these activities?

A major objective is to provide decent and affordable housing for people who would not otherwise have this opportunity. In addition, for seniors, Hale Mohalu programs (as described in #15 above) and case management resources providing counseling, assistance in obtaining transportation, light housekeeping, financial assistance, etc, will promote the "aging in place" concept to allow them to remain in the building as long as possible and with dignity.

17. Describe the community need for and the public benefit derived from these activities.

Hawaii's skyrocketing real estate market has essentially eliminated affordable rental units for a sizable number of our people. Numerous studies have demonstrated the need for more affordable housing in communities throughout the state. It is a top priority of the current state administration to promote and facilitate the construction of more affordable housing. This is further evidenced by the state HCDCH Director's letter supporting the direct leasing of the property to the Coalition for Specialized Housing. The need for affordable housing is dire and immediate.

18. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).

As with the Coalition for Specialized Housing's Hale Mohalu Senior Apartments, the proposed project on the adjacent land will have low-income rentals for seniors 62-years of age and older. Also under consideration is the expansion of this target group to include low-income families and persons with special needs. The desired income target market is 60% AMI (Area Median Income) and lower; this will depend on financing availability, project and construction costs, etc. The project will be non-discriminatory with respect to gender, ethnicity, etc.

19. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.
At this preliminary planning stage, it is premature to describe such requirements—other than age and income (see #18).

20. Do you require membership to participate in these activities? Yes No X
If yes, list the requirements of becoming and remaining a member:

21. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

Unable to calculate or predict this number at this stage in our project's development.

22. Is State funding made available for the activities to be conducted on the leased premises? Yes x No

If yes, by which State agency: Department of Health has provided funds in the past for similar activities (see #13). Also, HCDCH provides Rental Housing Trust Funds and state Low-Income Housing Tax Credits.

23. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.
No such activities are projected.

Development of the Land

24. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available.
Conceptually, and subject to change upon further design, engineering, coordination with Neighborhood Board, city and state agencies, City Council, available financing, etc., a possible plan would be for three buildings master-planned on the property. Two of the three could be for families and the third for seniors. Each family rental building could have 83 two- and three-bedroom units and a resident manager's unit. The senior rental building could have 80 one-bedroom units and a resident manger's unit. There would be parking conveniently located for each building. The family buildings would have a minimum of 1:1 tenant, plus 10% guest parking. The senior building would have a minimum of 1:4 (one stall per four lunits) tenant, plus 10% guest parking (based on experience with other completed senior affordable rental projects). A professional landscape architect will be part of the project team to enhance the appearance and privacy of the project. (Attached is the conceptual site plan for the property.)

25. What improvements to the land do you intend to make and at what cost?

The improvements to the land will be those that are required to develop the proposed low-income project, and the various reviewing governmental agencies. Besides what has been described in #24 above, ingress-egress via Kamehameha Highway, drainage, sewer, water, security fencing and lighting, etc. are other improvements that will be considered. Based on ongoing development of similar projects, pro forma planning and construction estimates for each family rental project is approximately \$22 million. For the senior development, the pro forma planning and construction cost estimate is approximately \$17 million.

26. How will the improvements be funded?

Proposed pro forma funding will be from federal and state low-income housing tax credits, state Rental Housing Trust Fund, equity, Central Pacific Bank, and Housing and Community Reinvestment Corporation (HCRC). Additionally, we intend to seek financing from the city for HOME and CDBG grants to reduce the amounts of tax credits and trust funds needed. Also, we will attempt to work with private land developers and the city, to qualify the proposed project's low-income units as housing credits, for in-lieu cash from the land developers who have requirements with the city for development of low-income housing.

27. Describe all environmental, land use and other permitting requirements which must be met to develop the land as proposed.

Environmental Site Assessment-Phase 1, Environmental Assessment, FONSI, Chapter 201G, HRS, Foundation Permit and Building Permit.

28. Will you be subleasing any portion of the property? If yes, describe the sublease uses:

No

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be canceled.

Applicant Name _____

Applicant Name _____

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public

County of: _____

State of: _____

My commission expires: _____

EXHIBIT "E"

16

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05OD-405

OAHU

Amend Prior Board Action of October 14, 2005 (Agenda Item D-12), After-the-fact Approval of Lease of Federal Property with the Secretary of the Air Force on behalf of the Department of Education, for Public School Purposes, Hickam Air Force Base, Oahu, Tax Map Key:(1) 9-9-01:13(Portion)

The above school site was under Lease Contract No. DA-94-626-ENG-117 from the Air Force for 25 years, commencing May 29, 1965 through May 28, 1990. Since 1990, the Land Board has approved lease extensions with the Air Force for successive five (5) year term extensions.

At its meeting of October 13, 2000, under agenda item D-10, the Board approved the extension of the lease for a five (5) year term, commencing May 29, 2000 through May 28, 2005.

However, on August 14, 2005, the Air Force decided not to extend Lease Contract No. DA-94-626-ENG-117 but instead submitted a new Lease Agreement, for a term of five (5) years, commencing from May 29, 2005 through May 28, 2010.

The Land Board, at its meeting of October 14, 2005, under Agenda Item D-12, approved the request to enter into a lease with the Secretary of the Air Force on behalf of the Department of Education, for public school purposes situated at Hickam Air Force Base, Oahu, Tax Map Key: (1) 9-9-01:13 (portion), as shown on the attached Exhibit A.

By letter dated December 13, 2005, Mr. Carl Larson of the Army Corp. of Engineers Real Estate Division informed the Department that they have decided against the issuance of a new lease and that Lease Contract No. DA-94-626-ENG-117 would be extended for another five (5) years, commencing from May 29, 2005 through May 28, 2010.

The Department of Education staff are in agreement with the lease extension.

January 13, 2006

Staff is recommending that the prior Board action of October 14, 2005, under Agenda Item D-12, be amended by consenting to the language of Lease Contract No. DA-94-626-ENG-117 between the Secretary of the Air Force and the State of Hawaii for another five (5) years, commencing from May 29, 2005 through May 28, 2010.

RECOMMENDATION:

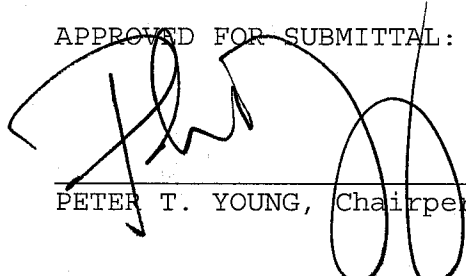
That the Board consent to the language of the Lease Contract No. DA-94-6626-ENG-117 between the Secretary of the Air Force and the State of Hawaii for another five (5) years, commencing from May 29, 2005 through May 28, 2010, subject to the following terms and conditions:

1. All other terms and conditions of the Land Board's action of October 14, 2005 under agenda Item D-12 are to remain the same.
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

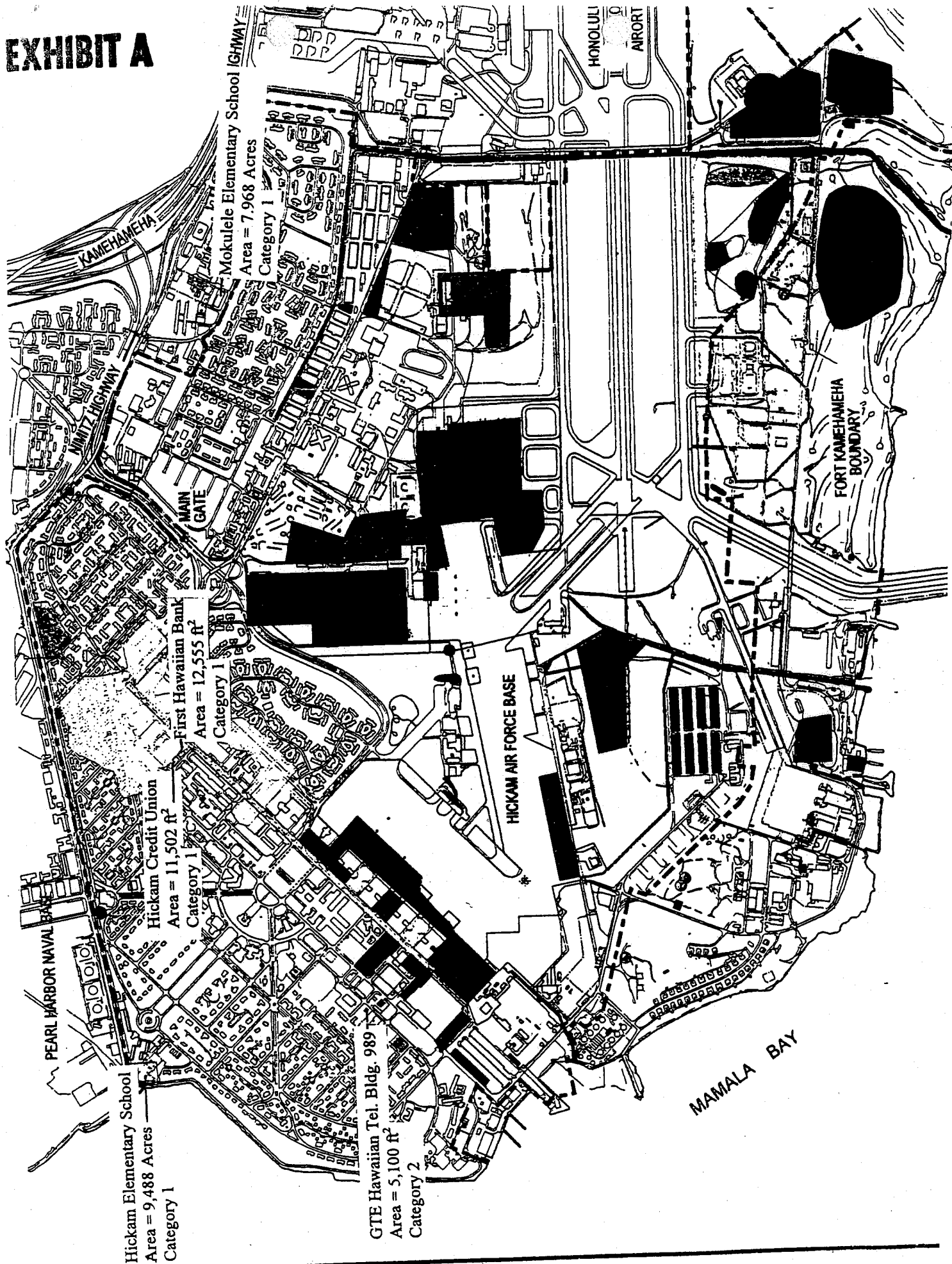

pm Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

EXHIBIT A



Board Submittal Not Available